ANNO UNDECIMO

Georgii III. Regis.

An Act for repairing and widening the Road from the *Low-water Mark* of the River *Humber*, at or near *Brough Ferry*, in the Parish of *Elloughton*, in the East Riding of the County of *York*, to the North End of the Town of *Brough*, and from thence through *South Cave* to *Coney Clappers*, in *South Newbald Holmes*, in the said Riding.

WHEREAS the Road from the Low-water Mark of the River Humber, at or near the Haven, Harbour, and Ferry, commonly called Brough Ferry, in the Parish of Elloughton, in the East Riding of the County of York, to the North End of the Town of Brough, in the Parish aforesaid, and from thence through the Market Town of South Cave, to a certain Place called Coney Clappers, in South Newbald Holmes, in the said Riding, is become ruinous, and is in many Parts too narrow and incommodious, not only for Wheel-carriages and Travellers, but also for the Conveyance of Goods and Merchandise along the said Road to the Ferry, Harbour, and Haven above mentioned, and which Goods and Merchandise are conveyed from thence up and down the River Humber, and cross the same, to Wintringham, in the County of Lincoln, and so Southwards Preamble.

Southwards to many other Parts of the Country; and the said Road cannot be sufficiently amended, widened, and kept in Repair, nor rendered commodious for the Purposes aforesaid by the ordinary Course of Law: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Trustees Names.

That the Right Honourable Lord Viscount Gallway, in the Kingdom of Ireland, Sir William Anderson, Sir Griffith Boynton, Sir Beaumont Hotham, Sir Digby Legard, Sir James Pennyman, Sir Joseph Pennington, Sir George Strickland, Baronets; Sir George Montgomery Metham, Knight; the Reverend William Anderson, the Reverend Alman, the Reverend Francis Best, the Reverend Thomas Barker, the Reverend Thomas Bowman, the Reverend Thomas Constable, the Reverend William Cayley, the Reverend John Cayley, the Reverend Francis Drake, the Reverend John Dealtry, the Reverend Thomas Ellis, Clerks; the Reverend John Fountayne, Doctor in Divinity; the Reverend James Forster, the Reverend Richard Gee, the Reverend Henry Goodricke, the Reverend John Holmes, the Reverend Randle Hancock, the Reverend Samuel Johnston, the Reverend Thomas Leake, the Reverend Robert Midgley, the Reverend Francis Matson, the Reverend Thomas Moisley, the Reverend John Robinson, the Reverend Robert Robinson, the Reverend Stillingfleet, the Reverend John Simpson, the Reverend Isaac Thompson, the Reverend Francis Tong, the Reverend Thomas Wakefield, the Reverend John Whaley, the Reverend William Ward, Clerks; Charles Anderson, Robert Appleton, Teavil Appleton, William Ayer, Hugh Bethell, William Bethell, Christopher Bethell, Francis Boynton, Francis Best, John Bowman, Isaac Broadley, Thomas Broadley, Richard Beatniffe, Leuyns Boldero Barnard, Henry Barnard, Leuyns Barnard junior, Robert Burton, William Brough, John Broadley, Richard Bell, Francis Bielby, Thomas Barstow, Christopher Bayles, Edward Blanshard, John Banks, William Battle, John Blackshaw, John Butterfield, Cornelius Cayley, Marmaduke Constable, John Courtneay, Nathaniel Cholmley, John Chambers, Francis Carlill, William Carlill, Henry Brewster Darley, Richard Darley, William Dennison, Henry Drinkrew, Robert Dewsberry, John Dunn, Eaton Mainwaring Ellerker, Roger Mainwaring Ellerker, William Ellerker, Edward Ellerker, Henry Etherington, Samuel Everingham, Barnard Foord, John Grimston, Robert Grimston, Christo-

pher Goulton, Roger Gee, Thomas Goulton, James Grayburn, Elliner Garton, William Goodlad, William Goodlad junior, John Hudson, Randolphus Hewitt, John Hewitt, Thomas Hasle, Mathew Harland, John Hodgson, John Harland, William Hall, Emanuel Jefferson, Peter Johnson, John Johnston, Henry Jubb, John Idle, Robert Knowsley, Edward Kidd, Luke Lillingston, Ralph Lutton, Boynton Langley, Henry Maister, Jonathan Midgley, William Meek, Carleton Monckton, William Mountain, Richard Milner, Michael Newton, James Newton, Marmaduke Nelson, John Nichol, Edward Nixon, Timothy Newmarch, Charles Anderson Pelham, Charles Pool, William Paul, George Popple senior, George Popple junior, Luke Robinson, Shermar Rooksby, John Rickaby, Henry Disney Roebuck, William Read, William Richardson, James Richardson, William Sonley, William Strickland, John Seymour, James Stovin, James Sissons, Bielby Thompson, Lillingston Thompson, Henry Willoughby, William Wilberforce, William Wilberforce the younger, William Wilberforce the youngest, Samuel Watson, William Weddall, Charles Witty, Thomas Williamson, Joseph Williamson, Thomas Waldby, Thomas Walker, and John Wakefield, shall be, and they and their Successors, to be appointed in Manner herein after mentioned, are hereby appointed Trustees for surveying, ordering, widening, enlarging, amending, regulating, and keeping in Repair the said Road, and for rendering the same commodious for the Benefit of the Trade and Commerce carried on at the said Haven, Harbour, and Ferry, and for carrying into Execution all the Powers and Authorities hereby granted; and that they the said Trustees, or any Five or more of them, shall and may erect so many Turnpikes as they shall think necessary, upon or across the said Road; and may, from Time to Time, remove any such Turnpikes to any other Part or Parts of the said Road as they shall see convenient; and also shall and may purchase or erect so many Toll-houses as they shall think proper; and also shall and may erect such other Turnpikes on the Sides of the said Road, and cross any Lane or Way leading out of or near the same, as they the said Trustees, or any Five or more of them, shall think proper, to prevent the Tolls being evaded, but not to charge any Person with double Toll: And that the following respective Tolls shall be demanded and taken of the Person or Persons attending any Cattle or Carriage at every such Turnpike, by such Person or Persons as the said Trustees, or any Five or more of them, shall, from Time to Time, appoint for that Purpose, or to whom the same shall be let, before any Horse, Cattle, or Carriage shall be permitted to pass through the same; that is to say,

Trustees may erect Turnpikes,

and demand Tolls.

For every Horſe, Mare, Gelding, Ox, Mule, Aſs, or other Cattle drawing any Carriage, the Sum of One Penny.

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of One Halfpenny.

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

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of One Penny Halfpenny per Score; and ſo in proportion for any greater or leſs Number.

Which reſpective Sums of Money ſhall be demanded and taken in the Name of or as a Toll, and ſhall be, and is hereby veſted in the ſaid Truſtees, and the ſame and every Part thereof ſhall be paid, applied, and diſpoſed of, and aſſigned to and for the ſeveral Uſes, Intents, and Purpoſes, and in ſuch Manner, as are herein after mentioned and directed; and if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand made thereof, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall be lawful for the Party or Parties appointed as aforeſaid to collect ſuch Toll by himſelf, or taking ſuch Aſſiſtance as he ſhall think neceſſary, to ſeize and diſtrain any Horſe or Horſes, or other Cattle, together with their Bridles, Saddles, Gears, Harneſs, or Accoutrements, or their Loading, upon which ſuch Toll is by this Act impoſed, or any other of the Goods and Chattels of the Perſon or Perſons who ought to pay them; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs ſhall not be paid within the Space of Five Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe or Horſes, Cattle, Carriage, Goods, Chattels, or Things ſo ſeized and diſtrained, or any Part thereof, returning the Overplus, if any be, and what ſhall remain unſold, upon Demand, to the Owner thereof, after ſuch Tolls, and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs and Sale, ſhall be deducted.

Toll to be paid but once a Day at the ſame Gates.

And be it further enacted, That if any Perſon or Perſons ſhall have paid the Tolls by this Act granted and aſcertained, for the paſſing of any Cattle or Carriage through any Turnpike erected by virtue of this Act, the ſame Perſon or Perſons, upon producing a Note or Ticket of the Day, denoting ſuch Payment, ſhall be permitted

mitted to pass and repass through the same Gate or Turnpike, with the same Cattle or Carriage, Toll-free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in One Night, to Twelve of the Clock in the next; which said Note or Ticket the Collectors or Receivers of the said Tolls are hereby required to give gratis, if demanded, on Payment of such Toll.

Number of Turnpikes limited.

Provided always, and be it hereby declared and enacted, That it shall not be lawful for the said Trustees to erect more than Two Turnpikes or Gates across any Part of the said Road, nor to erect any Gate or Turnpike within One measured Mile and an Half of or from the said Market Town of South Cave aforesaid, or to erect any Gate or Turnpike on the Side or Sides of the said Road, or in or cross any Way or Lane leading out of the same, so as to charge any Person who shall only pass across the said Road, or who shall not travel more than Two hundred Yards thereon, with any Part of the Tolls to be paid by virtue of this Act.

Disputes and Distress to be determined by a Justice of Peace.

Provided always, and be it further enacted, That if any Dispute shall happen about the Quantity of the Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to retain the same, or the Money arising from the Sale thereof, as the Case may happen, till the Quantity of the Tolls or Charges of distraining and selling the Distress, as the case shall happen, shall be ascertained by some Justice of the Peace for the said East Riding, who, upon Application made to him for that Purpose, shall examine the said Matter by Oath of the Parties, or other Witness or Witnesses, and shall determine the Quantity of the Toll due, and shall also assess the Charges of such Distress and Sale, and of the Collectors Attendance for that Purpose upon the said Justice; all which Sum or Sums so determined and assessed, shall be paid to the said Collector before he shall be bound to return the said Distress, or the Overplus, after Sale thereof, or any Part thereof.

Tolls may be lessened.

And be it further enacted, That the said Trustees, or any Seven or more of them, may, and are hereby authorised and impowered, from Time to Time, as they shall think proper, to lessen, vary, or alter all or any Part or Parts of the Tolls hereby granted, at any of the said Turnpikes, and to raise the same again, so as the same do not exceed the Tolls by this Act granted, and so as such Reduction be with the Consent of the several Persons who shall be entitled to Two Third Parts at the least of the Money then due on the Credit of this Act;

but such Reduction shall not be made, unless Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpikes then erected cross the said Road, at least Fourteen Days before making such Reduction; and such Tolls, so lessened, varied, or altered, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Qualifications of Trustees.

Provided also, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall then be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes; or shall be possessed of a personal Estate to the Amount or Value of One thousand Pounds; or shall be Heir-apparent of a Person possessed of an Estate or Inheritance in Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds: And if any Person not being so qualified shall presume to act, contrary to the Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same; to be recovered in any of his Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information; wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and every Person so prosecuted, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act.

Commissioners Meetings.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of William Goodlad, being the Post-house in South Cave aforesaid, on the Eleventh Day of May, One thousand seven hundred and seventy-one, and shall then and there, and from Time to Time afterwards, adjourn themselves to, and meet at such Place near the said Road, as they, or any Five or more of them, shall, from Time to Time, appoint; 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 another Day, or in case the Trustees at any Time so assembled shall omit or neglect to adjourn themselves; then, and in every such Case, the Clerk to the said Trustees, or any One of the said Trustees, by Notice in Writing under his or their Hand

or

or Hands, to be fired 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 last Meeting of the said Trustees was appointed to be held on that Day Fortnight on which such last Meeting of the said Trustees was appointed to be held; and that the said Trustees, at all their Meetings, shall defray their own Charges and Expences; and all Orders and Determinations of the said Trustees, in Execution of this Act, shall be at Meetings to be held in pursuance of this Act, and not otherwise; and no Order or Determination shall be valid unless the Majority of the Trustees present, and duly qualified to act in such Behalf, shall concur therein, such Majority not being less than the Number of Trustees by this Act authorised to make such Order or Determination nor shall any such Order or Determination, be revoked or altered at any subsequent Meeting, by a less Number than Eleven; and unless the Person or Persons applying to revoke or alter any such Order, shall give Notice thereof in Writing to the Clerk of the said Trustees, to be fixed upon all the Turnpike-gates then standing upon the said Road, at least Fourteen Days previous to any Meeting to be held for such Purpose.

Trustees to defray their own Expences.

And be it further enacted, That no Trustees shall hold any Place of Profit under this Act, but all such Trustees, as are or shall be Justices of the Peace, may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested; and that no Person whatsoever shall Act as a Trustee in any Case where he shall be personally interested.

Trustees in Commission of Peace may act as Justices, but not where interested.

And be it further enacted, That when and as often as any Trustee shall die, or by Writing under his Hand, delivered to the Clerk of the said Trustees, shall refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands and Seals, to elect One other Person, living in the said East Riding, or in the Town and County of the Town of Kingston upon Hull, or in the Town of Beverely, qualified as aforesaid, to be a Trustee in the Room of each Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same, in Writing, upon all the Turnpikes across the said Road, at least Fourteen Days before every such Meeting; and every such Person so elected, being duly qualified as aforesaid, shall be, and is hereby declared to be, to all

Choice of new Trustees.

Intents and Purposes, a Trustee for putting this Act in Execution.

Penalty on Persons evading the Tolls.

And be it further enacted, That if any Person or Persons shall deliver to, or receive of any other Person or Persons any Note or Ticket with Intent to avoid, or thereby avoiding the Payment of any Toll, or if any Person or Persons shall, with any Horse, Cattle, or Carriage, go or pass through any Ground, Parcel of Land, or other Place, adjoining to, or lying near the said Road, or any of the Gates or Turnpikes by virtue of this Act to be erected, the same not being a Common Road, or if any Owner or Occupier of any Grounds, Lands, Tenements, or Hereditaments, which shall adjoin or lie near to any of the said Gates or Turnpikes, shall knowingly permit any Person or Persons, with any Horse, Cattle, Hogs, Sheep, Lambs, or Calves, or with any Carriage whatsoever, to go or pass through the same Ground, Land, Tenement, or Hereditaments, or if any Person or Persons, shall at any Time or Times take, or cause to be taken off, any Horse, Ass, Mule, or any other Sort of Cattle, from any Carriage, whereby the Payment of any or any Part of the said Tolls shall be evaded; that then, and in any of the Cases aforesaid, each such Person shall, for each such Offence, forfeit the Sum of Twenty Shillings, over and besides such Damages and Punishments as he shall be otherwise liable to by Law; to be levied and recovered by such Means, and in such Manner, as are hereafter mentioned and provided, for levying and recovering Penalties and Forfeitures imposed by this Act; One Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as other Penalties and Forfeitures are herein-after directed to be applied.

Exemption from Tolls.

Provided always, and be it hereby declared and enacted, That no Person or Persons shall be charged with any of the Tolls aforesaid, who shall pass through any Turnpike or Turnpikes which shall be erected by virtue of this Act, with any Horse, Cattle or Carriage, going empty for, or drawing or carrying, or returning empty, after having drawn or carried the Post, Mail, or Packet, or any Stones, Gravel, or other Materials for amending the said Road, or any of the Purposes of this Act, or for amending or repairing any of the Highways in the Parishes or Townships in which the same Road shall lie, or in any of the neighbouring Parishes or Townships, or any Lime, Dung, Mould, or Compost of any Nature or Kind whatever, for manuring of Lands or Gardens

dens within such Parishes, Places or Townships, or any Hay, Straw, or Corn, or Corn in the Straw, to be laid up in the Houses, Out-houses, Garths, or Barns, of or belong to the respective Growers thereof, being Inhabitants of the said Parishes or Townships in which the said Road hereby intended to be repaired doth lie; or any Plows, Harrows, or other Implements of Husbandry, or any other Thing whatsoever, belonging to, or employed by such Inhabitants respectively, in Husbandry, or in manuring or stocking of Land within such Parishes or Townships; nor shall any Toll be demanded or taken for any Horses or Cattle going to or returning from Pasture, or any Watering-place belonging to such Parishes or Townships; or for the Horses of Soldiers passing upon their March, or for Carts, Carriages or Waggons attending them, or laden with their Arms or Baggage; or for Horses, Carts, or Waggons, travelling with Vagrants sent by legal Passes, or returning empty or unladen after having been so employed; or for Persons going or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of York, or of a Burgess or Burgesses to serve in Parliament for the Town of Beverley in the same County, or for the Town of Kingston upon Hull, upon the Day of such Election, or the Day before or after such Election respectively; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

For leasing Tolls

And be it further enacted, That the said Trustees, or any Seven or more of them, may, and are hereby authorised and impowered, at any Time or Times during the Continuance of this Act, Twenty-one Days Notice in Writing being affixed on all the Turnpike-gates which shall be then standing across the said Road, to lease or farm by the Year all the Tolls granted by this Act, or any Part or Parts thereof, to any Person or Persons whomsoever, at and for the largest yearly Sum or Sums that can be gotten for the same, taking sufficient Security for the Payment thereof; provided that such Leases or Agreements be in Writing, and signed by the Person or Persons taking or farming the same, and by any Seven of the said Trustees, and be not made for more than Three Years at any One Time; and that the Money which shall be so agreed to be paid for the said Tolls, shall be made payable, and shall be paid to the Treasurer of the said Trustees, by Quarterly Payments: And in case any Agreement shall be made for letting or farming the said Tolls,

Tolls, or any Part thereof, contrary to the true Intent and Meaning of this Act, every such Agreement shall be void, and the Person or Persons to whom the said Tolls shall have been let or farmed as aforesaid, shall be liable to account for to the said Trustees, or any Five or more of them, and the same shall be levied and recovered upon and from him and them by the same Ways and Means, and in such Manner, as the Tolls granted by this Act, are herein directed to be levied and recovered from the Collectors thereof.

For borrowing Money.

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Seven or more of them, at their first or any subsequent Meeting to be held in pursuance of this Act, upon the Credit of the Tolls arising by virtue of this Act, to borrow and take up at Interest, such Sum or Sums of Money as they, or any Seven or more of them shall think fit; and may, and are hereby impowered to demise or mortgage the said Tolls, or any Part or Parts thereof, and the Gates, Turnpikes, and Toll-houses for collecting the same, (the Costs and Charges of such Mortgages to be paid out of such Tolls) as a Security to any Person or Persons, or their Trustees, who shall advance such Sum or Sums of Money, by the following Words, under their Hands, or by any other Words to the same or the like Effect, (viz.)

BY virtue of an Act made in the Eleventh Year of the Reign of His Majesty King *George* the Third, for repairing and widening the Road from the *Low Water Mark* of the River *Humber*, at or near *Brough Ferry*, in the Parish of *Elloughton*, in the East Riding of the County of *York*, to the *North End* of the Town of *Brough*, and from thence through *South Cave* to *Coney Clappers*, in *South Newbald Holmes*, in the said Riding; we of the Trustees, in consideration of the Sum of to the Treasurer of the said Road in Hand paid, do grant, bargain, sell, and demise unto *A. B.* his Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and of the Gates, Turnpikes, and Toll-houses for collecting the same, as the said Sum of doth or shall bear to the whole Sum advanced, or to be advanced, on the Credit thereof, to be had and holden from this Day of , in the Year of our Lord for and during the Continuance

Continuance of the ſaid Act, unleſs the ſaid Sum of with Intereſt at the Rate of *per Centum per Annum*, ſhall be ſooner repaid and ſatisfied.

And Copies of all ſuch Mortgages ſhall be entered in a Book or Books, to be kept for that Purpoſe, by the Clerk or Treaſurer to the ſaid Truſtees: But no Money ſhall be borrowed upon the Credit of the ſaid Tolls after ſuch firſt Meeting, unleſs Notice be for that Purpoſe fixed in Writing upon all the Turnpikes acroſs the ſaid Road, at leaſt Twenty-one Days before the borrowing thereof.

Manner of Transfer.

And be it further enacted, That all Perſons to whom any ſuch Mortgage ſhall be made as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, may from Time to Time aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit to the ſaid Mortgages, and the Principal and Intereſt thereby ſecured, to any Perſon or Perſons whatſoever, indorſing on the Back of ſuch Security, with or without a Witneſs, the following Words, or Words to the like Effect:

I do transfer this Mortgage, with all my Right and Title to the Principal hereby ſecured, and to all the Intereſt now due upon the ſame, unto , his Executors, Adminiſtrators, and Aſſigns. Dated this Day of

G. H.

And ſuch Transfer and 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 or transfer the ſame again, and ſo toties quoties; and it ſhall not be in the Power of ſuch Perſon or Perſons who ſhall have made ſuch Aſſignments reſpectively to make void, releaſe, or diſcharge the original Security, or any Monies thereby due, or any Part thereof: And all Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, ſhall be, in Proportion to the Sum or Sums therein mentioned, Creditors on ſuch Tolls, on the Credit whereof ſuch Sum or Sums are advanced, in equal Degree one with another, and ſhall have no Preference in reſpect of the Priority of any ſuch Monies ſo advanced.

Application of the Money.

And be it further enacted, That out of the Monies to be raiſed by virtue of this Act, the ſaid Truſtees, or any Five or more of them, ſhall, in the firſt Place,

pay and discharge all the Expences and Costs relative to procuring and passing this Act; and the Remainder of the Money so raised, shall, from Time to Time, be applied in putting this Act in Execution, and in repaying the Principal Monies borrowed, and the Interest due thereupon.

Interest to be paid in Preference to other Payments.

Provided always, That the Treasurer or Treasurers to be appointed by virtue of this Act, shall, and he and they is and are hereby required, Twice in every Year, to discharge, out of the Monies that shall come into his or their Hands by virtue of this Act, the Interest that shall be then due upon all Mortgages made or secured by virtue of this Act, if the same shall be demanded, in Preference to any other Payment whatsoever.

Trustees to appoint Officers, &c.

And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, from Time to Time, by Writing under their Hands, appoint a Collector or Collectors of the Tolls, and a Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors of the said Road, and such other Officers as the said Trustees, or any Five or more of them, shall think necessary, and from Time to Time remove all or any of such Officers, and appoint others in the Room of such of them as shall be so removed, or shall die, and out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers, as to them the said Trustees, or any Five or more of them, shall seem reasonable; and all such Officers shall, under their Hands, at such Time and Times, and in such Manner as the said Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been, by such Officer or Officers respectively, received by virtue of this Act, and how much thereof hath been, paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers accounting as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them, which Oath the said Trustees, or any One or more of them, are hereby impowered to administer, verify their said Accounts; and if any such Officer shall not make and render, or refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same,

same, or to make Payment as aforesaid, that then any One or more Justice or Justices of the Peace for the said East Riding, and residing near to the said Road, shall and may make Inquiry of and concerning such Default as aforesaid, in a summary Way, as well by the Confession of the Party, as by the Testimony of One or more credible Witness or Witnesses upon Oath; and if it shall appear to such Justice or Justices that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Officers, the said Justice or Justices may, and is and are hereby authorised and required, upon Non-payment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods or Chattels of such Officer or Officers respectively; and if no Goods or Chattels of such Officer or Officers can be found sufficient to answer and satisfy the said Money, and the Charges of distraining for the same; then, and in any of the Cases aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol for the County or Place where such Offender shall reside or be apprehended, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees, or any Five or more of them, and shall have paid such Composition in such Manner as they shall appoint, which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

Treasurer to give Security.

And be it further enacted, That the said Trustees, or any Five or more of them, shall, and they are hereby required to take Security by Bond, with One or more sufficient Surety or Sureties, and with sufficient Penalties, from every Person who shall be appointed as Treasurer under this Act, and before he shall enter upon such Office, for the making a due and satisfactory Account of all Monies intrusted to his Care and Charge.

Victuallers not to hold Places of Profit.

And be it further enacted, That no Victualler, or Retailer of Ale, Beer, Cyder, or Spirituous Liquors, shall be capable of holding any Place of Profit under this Act.

Surveyors may get Materials in any Parish, &c.

And be it further enacted, That the Surveyor or Surveyors of the said Road, and such Person or Persons as he or they, or any Five or more of the said Trustees shall employ, is and are hereby impowered to dig, gather, take, and carry away any Gravel, Furze, Heath, Sand,

Stones, or other Materials, out of any Waste or any common River or Brook of or in any Parish, Town, Village, or Hamlet, in or near which the said Highway or Road by this Act directed to be repaired doth lie, as shall be proper for repairing and amending the said Road, without paying any Thing for the same; such Surveyor or other Persons filling up the Pits, and levelling the Ground, from which such Materials shall be taken, or railing or fencing of such Pits, so that the same may not be dangerous for Passengers or Cattle: And where sufficient Materials shall not be found in any such Common or Waste Grounds as aforesaid, it shall be lawful for such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, in Writing under their Hands, to dig or gather the same out of the several Grounds of any Person or Persons, not being the Ground on which any House shall then stand, or any Garden, Orchard, Yard, Park, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of Ground set apart and used as a Nursery for Trees, where such Materials are or may be found, and from Time to Time, to carry away such Part and so much thereof as the said Surveyor or Surveyors 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 or any Five or more of them, shall judge reasonable: And in case of any Difference between such Owners or Occupiers and the said Trustees touching such Payments or Damages as aforesaid, the Justices of the Peace for the said East Riding, at their General Quarter Sessions, or the major Part of such Justices then present, shall and may judge, assess, and finally determine the same.

filling up the Pits,

and making Recompence to the Owners, &c. for the Damages.

And be it further enacted, That if any Person whatsoever shall take away any Materials which shall have been digged or gathered in any Lands, Fields, Wastes, or Grounds, River or Brook, for the Purpose of amending the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials for amending the said Road, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Six Weeks, except the Owner or Occupier of any private Ground, and Persons authorised by such Owner or Occupier, to get Materials therein for his

Penalty on taking away Materials.

his own private Use only, and not for Sale; every Person so offending shall forfeit for every such Offence the Sum of Five Pounds.

Surveyors may remove Annoyances,

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, and they are hereby authorised and impowered, from Time to Time, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them, to remove all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and dispose of the same for the Benefit of the said Road; and to turn any Watercourses, Sinks, or Drains, running along, into, or out of the said Road, to the Prejudice thereof, and to open, scour, cleanse, widen, enlarge, or make deeper, any Watercourses, Ditches, Drains, Sewers, Outlets, or other Places or Passages for Water adjoining to the said Road, and make the same as deep, wide, and large, as he or they shall think necessary, in case the Owners or Occupiers of such Part of the Premises, of which there shall be any Owner or Occupier, neglect to open, scour, cleanse, widen, enlarge, or deepen the same, or remove such other Annoyance, in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors shall require, for the Space of Twenty Days next after Notice given in Writing for that Purpose, under the Hand or Hands of such Surveyor or Surveyors; and to cut down, lop or top, any Trees, Shrubs, or Bushes growing in the said Road, or the Hedges or Banks adjacent thereto, and to take, carry away, and sell the Wood so cut, and apply the Money arising thereby in Repair of the Road whereon the same stood, in case the Owners or Occupiers shall neglect to lop or top, cut down, and remove such Trees, Shrubs, or Bushes, or reduce such Hedges, in such Manner as the said Trustees, or any Five or more of them, shall require, for the Space of Thirty Days next after Notice in Writing given for that Purpose, to be left at the capital Mansion-house belonging to the Land on which the same shall stand, or at the House of the Tenant, under the Hands of Five or more of the said Trustees, the Charges whereof, to be settled by the said Trustees, or any Five or more of them, shall be reimbursed by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; but if after Removal of any of the said Annoyances, any Person

shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Five Pounds.

Penalty on leaving Carriages, &c. on the Road.

And be it further enacted, That if any Person shall leave any Waggon, Cart, or other Carriage, in, upon, or on the Side of any Part of the said Road, without some Horse or other Beast of Draught yoked thereto, or to draw the same; or shall knowingly or wilfully lay any Sort of Timber, or any Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, in any Part of the said Road, or on the Side or Sides thereof, to the Prejudice or Annoyance thereof; every Person so offending shall, for each such Offence, forfeit and pay the Sum of Twenty Shillings.

Surveyors may make Causeways, Drains, Bridges, &c.

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by Order of the said Trustees, or any Five or more of them, to make and erect, support and maintain, or cause to be made and erected, supported and maintained, any Causeway or Causeways, Wharfs, Quays, Landing-places, and other Works upon and adjoining to the said Road, which shall be deemed necessary or requisite for the Purposes of this Act; and to cut and make Drains through any Ground lying contiguous to the same, and to make and erect, support and maintain, Arches or Bridges of Brick, Timber, or Stone, upon the same Road, and to divert and turn the said Road over any Part of any Common or Waste Ground contiguous and adjoining thereto, or through which the same Road doth now extend; and also to cause Ditches, Fences, and other Conveniencies to be made in such Manner as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall judge necessary, for the better amending and keeping the Road aforesaid in good Repair, and for other the Purposes of this Act, making such Satisfaction to the Owners and Occupiers of such Ground respectively, through which any such Drain or Drains, or other Work shall be made or cut, for the Damage which such Owners or Occupiers shall or may thereby sustain, as shall be adjudged to be just or reasonable by the said Trustees, or any Five or more of them; and in case any Difference shall happen between such Owner or Occupiers and the said Trustees, touching such Damages, then it shall be lawful for the said Justices of the Peace of and for the said East Riding, at their next General Quarter Sessions of the Peace to be holden for the same Riding, 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

making Satisfaction to the Owners.

Differences to be settled by the Justices.

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 of such Dimentions, and in such Manner, as the said Surveyor or Surveyors appointed by virtue of this Act, shall, from Time to Time, judge proper and convenient, after Ten Days Notice shall be given for that Purpose by such Surveyor or Surveyors, of such Person or Persons as he or they shall appoint, to such Owner or Owners, Occupier or Occupiers, it shall be lawful for such Surveyor or Surveyors to employ any Labourer or Labourers, to scour, cleanse, or deepen the same, and, by Warrant from any Justice of the Peace for the East Riding, to levy the Charges and Expences of doing the same by Distress and Sale of the Goods and Chattels of the Owner or Owners, Occupier or Occupiers of such Watercourse or Watercourses, Ditch or Ditches, rendering the Overplus, if any, after all Charges of such Distress and Sale shall be thereout deducted, to the said Owner or Owners, Occupier or Occupiers, when by him, her, or them demanded.

Owners refusing to scour, &c. Ditches after Notice,

Surveyors to employ Labourers, and the Expences to be levied by Distress.

And whereas some Part of the said Road may be so narrow or sounderous, that Horses, Coaches, Carts, or Carriages cannot safely pass along such Parts of the said Road whilst the same shall be repairing; be it therefore enacted, That it shall and may be lawful for the said Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, by Order of the said Trustees, or any Five or more of them, to make a Way into, through, and out of any Grounds or Lands lying contiguous to any such narrow or sounderous Part or Parts of the said Road, not being the Ground on which any House shall then stand, or a Garden, Orchard, Park, or planted Walk or Avenue to any House, or Nursery of Trees already planted, to be made use of by all Passengers with Horses and other Cattle, Coaches, Carts, and other Carriages, as a publick Highway, whilst the old Road adjoining shall be putting in Repair, and until the same shall be made convenient and safe for such Passengers, making such Satisfaction to the Owners and Occupiers of such Ground respectively, so to be made use of as a Highway, whilst any Part of the said Road adjoining shall be repairing, for the Damages which such Owner or Occupiers shall or may thereby sustain, as shall be adjudged by the said Trustees, or any Five or more of them, to be just and reasonable; and if any Difference shall happen between the Parties concerned touching the same, such Difference shall be heard, settled, and finally determined by

Surveyors may make a temporary Road,

satisfying the Owners.

Justices to determine Differences

by

by the Justices of the Peace for the said East Riding, at their next General Quarter Sessions, in such Manner as is above expressed, with respect to the Damages to be done by making Causeways, cutting of Drains, and erecting Arches, Bridges, and other Works, as aforesaid.

Road may be widened.

And be it further enacted, That in case the Trustees for putting this Act in Execution, or any Five or more of them, shall think proper, for any of the Purposes of this Act, to widen, enlarge, turn, or alter any Part or Parts of the Road hereby directed to be repaired, it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorised and impowered, from Time to Time, to treat, contract, or agree for the Purchase of any Lands, Grounds, or Hereditaments, lying contiguous or near the said Road, and for the Loss or Damage the Owners and Occupiers thereof, or any of them, shall or may any Way sustain by such widening, enlarging, altering, or turning such Road, and to pay for the same out of the Money arising by virtue of this Act, such Sum or Sums of Money as shall be agreed upon between such Owners, Occupiers, and Persons interested respectively as aforesaid, and the said Trustees, or any Five or more of them, and for the Costs and Charges attending such Purchase; and such Lands and Grounds, when purchased as aforesaid, shall, by Order and Direction of the said Trustees, or any Five or more of them, be laid into and made Part of the last-mentioned Road, in such Manner as the said Trustees, or any Five or more of them, shall think convenient, with proper Drains, Ditches, Fences, and other Works for that Purpose; and shall from thenceforth be esteemed and taken as a publick and common Highway, and as such shall be amended and kept in Repair by such Ways and Means, and in such Manner, as other Highways are amended and kept in Repair by the Laws now in being; and after such Purchase shall be made as aforesaid, such Part or Parts of the old or former Road, in lieu whereof such Lands and Grounds shall be purchased for such new Road as aforesaid, unless the same lead to some Village, Town, or Place to which the said new Road doth not lead, shall be vested in, and shall and may be sold and disposed of by the said Trustees, or any Five or more of them, to any Person or Persons, for the best Price that can be reasonably got for the same; and the Money arising by such Sale shall be applied and disposed of for the repairing, widening, and amending the said Road, or for other the Purposes of this Act; and the Sale or Conveyance or Conveyances, to be made of such Lands and Grounds comprised

Old Road may be sold, and the Money applied for the Purposes of the Act.

in

1

in the said old Road, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace of the said East Riding, shall be effectual to all Intents and Purposes whatsoever; but this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Land that is a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, Plantation, or Nursery of Trees already planted, or any Part thereof, without the Consent of the Owner or Proprietor.

Impowering Corporations to sell, &c.

And, for removing all Difficulties which may arise to obstruct such Contracts, be it hereby further enacted, That it shall be lawful for all Bodies Politick and Corporate, and all Trustees, Executors, Administrators, Husbands, Guardians, and Committees of Ideots and Lunaticks, for and on the Behalf, and in Right of any Infants, Femes-Coverts, Ideots, or Lunaticks, and other Person or Persons, being under any other legal Disability, who are or shall be seised or possessed of, or interested in any such Lands, Grounds, or Hereditaments as aforesaid, to treat, contract, or agree with the said Trustees, or any Five or more of them, for the absolute Sale or Purchase thereof, or of any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall 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, or Usage to the Contrary notwithstanding; and that all such Persons, so hereby authorised to treat, contract, or agree for the same, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

If Parties do not agree Matter to be tried by a Jury.

And be it further enacted, That if any such Owner, Occupier, Body Politick or Corporate, Husband, Guardian, Committee, Trustee, or other Person or Persons interested in such Lands, Grounds, or Hereditaments, upon convenient Notice to them respectively 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 Bodies Politick, Corporate or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, and Hereditaments, so to be taken in and added to the said Road as aforesaid, or over which the said Road shall be so turned or altered as aforesaid, shall by the Space of Twenty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be

prevented from treating; then, and in every such Case, the said Trustees, or any Five or more of them, shall cause it to be inquired into, and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men, (which Oaths the said Trustees, or any Five or more of them, are hereby impowered and required to administer) what Damages shall be sustained by, and what Recompence or Satisfaction shall be made to such Owner or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Road; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from Time to Time, as Occasion shall require, to summon and call before them, all and every such Person and Persons whatsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses concerning the Premises, and shall examine all Witnesses before the said Jury, upon Oath, (which Oath the said Trustees, or any One 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 to use all other lawful Ways and Means, as well for their own as the said Jury's Information in the Premises, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have so inquired of, ascertained, and settled such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or Occupiers of the said Lands, Grounds, and Hereditaments, or other Persons interested therein, according to such Verdict or Inquisition of the said Jury, (which Verdict or Inquisition, and Judgement, Order, and 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, their Heirs and Successors, as well absent as present, Infants, Femes-Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate and Collegiate, and all other Persons whatsoever); and all and every such Owners, Occupiers, and all and every Person and Persons interested in such Lands, Grounds, 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 summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them,

are

are hereby impowered to iſſue their Warrant or Warrants to the Sheriff of the ſaid County of York, thereby requiring or commanding him to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons, to appear before the ſaid Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; which Sheriff, or his Deputy or Deputies, is and are hereby required thereupon to impannel and return ſuch Twenty-four Perſons accordingly, and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear according to or upon ſuch Summons, the ſaid Truſtees, or any Five or more of them, ſhall ſwear, or cauſe to be ſworn, Twelve Perſons, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured or ſummoned to attend that Service, to the Number of Twelve; and all Perſons concerned ſhall, from Time to Time, and at all Times, have their lawful Challenges againſt any of the Jurymen to be ſummoned in purſuance of this Act, in ſuch and the like Manner as any Party in any Action brought, or to be brought, or depending in any of His Majeſty's Courts of Record at Weſtminſter, is or ſhall be by Law intitled to; and the ſaid Truſtees, or any Five or more of them, are hereby impowered, from Time to Time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Bailiffs reſpectively, who ſhall make Default in the Premiſes, as alſo on any of the Perſons who ſhall be ſummoned and returned to ſerve on ſuch Jury, and ſhall not appear, or after having appeared, ſhall refuſe to be ſworn on the ſaid Jury, or after having been ſworn, ſhall refuſe or not give in his or their Verdict or upon the Matter in queſtion, or the Damages he or they ſhall be ſworn to try or to inquire of, or in any other Matter, wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and alſo on any of the Perſons who being required to give Evidence or Teſtimony before the ſaid Jury concerning the Premiſes, ſhall refuſe to be examined, or to give ſuch Evidence or Teſtimony; provided no ſuch Fine ſhall exceed the Sum of Ten Pounds upon any One Perſon for One Offence.

And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Monies as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands or Hereditaments, or for any ſuch Loſs or Damage than what ſhall have been agreed to and offered by the ſaid Truſtees, or

Expences of the Jury, how to be borne

or any Five or more of them, before the summoning or returning the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or loss or Damage as aforesaid, that then and in such case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the said Trustees, or any Five or more of them, out of the Money to arise by virtue of this Act; but if any such Jury shall give and deliver a Verdict or Assessment for no more, or for less Money than shall have then been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property in, or Loss or Damage as aforesaid, that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute.

Trustees may compound with Parishes for repairing the Road.

Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, during the Continuance of this Act, to compound or agree with the Inhabitants of the Parishes or Townships chargeable with the Repairs of the Road so directed to be repaired as aforesaid, 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 the Statute or other Work to be done by any such Parishes or Townships, or by such Occupier or Occupiers of such Lands or Tenements, chargeable as aforesaid, in every Year, the several Sums of Money at and for which such Statute or other Work shall be so compounded being paid down to the respective Times of making such Composition.

Lands liable to Repairs to continue so.

And be it hereby further enacted, That if it shall appear to the said Trustees, or any Five or more of them, that any Lands, Tenements, or Hereditaments, or any Rents or Profits issuing out of any Lands, Tenements, or Hereditaments, now are or shall be hereafter liable or chargeable towards the repairing and amending the said Road, or any Part thereof, by this Act directed to be repaired, such Lands, Tenements, and Hereditaments shall still remain liable and chargeable, and the Possessors or Occupiers of such Lands, Tenements, and Hereditaments, are hereby required and directed to pay such Rents and Profits to the Treasurer for the Time being of the said Trustees; and upon Default of Payment thereof, it shall be lawful for any Justice of the Peace for the Dis-

trict

trict or Place where the Matter of Complaint shall arise, by Warrant under his Hand and Seal, to levy the same by Distress and Sale of the Goods of such Person or Persons as shall neglect or refuse to make such Payment as aforesaid; and such Rents and Profits, when recovered and received, shall be applied, from Time to Time, for such Purposes as the Tolls to be collected upon the said Road, and the Money to be borrowed on the Credit thereof, are in this Act directed to be applied and disposed of.

Persons chargeable with amending the Road, to continue so.

Provided also, and be it further enacted, 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, and do their respective Works in the said Parishes, Townships, or Places wherein the said Road doth lie, in such Manner as he and they ought to have done before the passing of this Act.

Justices may determine the Proportion of Statute-duty.

And, for preventing all Differences which may arise between the said Justices and such Surveyors of the Highways as shall be appointed for the several Parishes or Places through which the Road intended to be repaired doth lead, touching what Proportion of the Statute-work ought to be done on the said Road lying in any such Parish or Place respectively; be it further enacted, That it shall be lawful for any Two or more of the Justices of the Peace for the said East Riding, at any Petty or Special Sessions of the Peace, upon Application made to them by the said Trustees, or any Five or more of them, to adjudge and determine what Part or Proportion of the Statute-work, not exceeding Two Days in each Year for any Parish or Place, shall be done on the said Road by the Inhabitants of each or any of the Parishes, Townships, Hamlets, or Places, in which the said Road doth lie.

Surveyors 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, may be duly performed, be it further enacted, That the several and respective Surveyors of the Highways for the Time being, of the several and respective Townships and Districts, within which the Road by this Act intended to be repaired doth lie, 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 several Place or Places of Abode, under the Hands of any Five or more of the said Trustees, summon and give publick Notice to all and every Person and Persons chargeable within the several and respective Townships and Districts, to do and perform such Part

of their Statute-work on the Road or Highway directed to be repaired by this Act, leading through the said several and respective Townships and Districts as shall be appointed as aforesaid, and shall, on the said Days as appointed by such Notice, give their Attendance, 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 Townships and Districts, as the said Trustees, or any Five or more of them, shall direct; and such Surveyor or Surveyors for such respective Townships and Districts shall, within Ten Days after Demand in Writing given to and left for him or them as aforesaid, under the Hands of any Five or more of the said Trustees, give and deliver unto such Person or Persons as they the said Trustees shall appoint, a true List, according to the best of his or their Knowledge, and upon Oath, if thereunto required by the said Trustees, (which Oath any Justice of the Peace for the said East Riding is hereby impowered to administer) of all and every Person and Persons in their several and respective Townships and Districts 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 Surveyor or Surveyors of such Township or District shall neglect or refuse to do as he or they are hereby required and directed, he or they, for every such Neglect or Refusal, shall forfeit and pay a Sum not exceeding 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 Summons or publick Notice as aforesaid, neglect or refuse to send their respective Teams or Draughts to do and perform such Part of the 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 the said several and respective Townships and Districts 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 chargeable towards repairing the said Road shall at any Time neglect or refuse (after such Summons or publick Notice as aforesaid) to do and perform such Part of their Statute-work as shall be appointed to be done as aforesaid on the said Road, he, she, or they shall respectively forfeit and pay the Sum of One Shilling and Sixpence for each

each of the said Days such Labourer or other Person or Persons shall so make Default; to be recovered in like Manner as other Penalties and Forfeitures are hereby directed to be recovered.

Bridges to be maintained as before.

And be it further enacted, That such Bridges, Drains, and Sewers lying and being in the said Road, which have been heretofore, and ought to be maintained and repaired by any Person or Persons, or Bodies Corporate, by Tenure, Custom, or otherwise, shall, from Time to Time be repaired, maintained, and kept in Repair by the Owner or Owners of such particular Lands, or by such Corporation as are respectively liable to the said Repairs; any Thing herein contained to the Contrary notwithstanding.

Against drawing Timber, &c. except on Wheel Carriages.

And be it further enacted, That if any Person or Persons shall draw, or cause to be drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon any Wheel Carriage to drag or trail upon any Part of the said Road to the Prejudice thereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Provisions of publick Act 7 *Geo.* III. extended to this Road

And be it further enacted, That the Road hereby directed to be repaired and amended shall be deemed and taken to be a Turnpike Road within the Intent and Meaning of an Act of Parliament made in the Seventh Year of the Reign of his present Majesty, (intituled, An Act to explain, amend, and reduce into One Act of Parliament the several Laws now in being for regulating the Turnpike Roads of this Kingdom, and for other Purposes therein mentioned); and that all and every Clause and Provision contained in the said last-mentioned Act shall be in full Force with regard to the Road hereby directed to be repaired and amended, during the Continuance of this Act, as if the same had been herein repeated and re-enacted, excepting so far as the Subject-matter of the same, or any Part thereof, is herein otherwise ordered and provided for.

Penalties and Forfeitures, how to be recovered and applied.

And be it further enacted, That all the Penalties, Forfeitures, and Fines hereby inflicted, or authorised to be imposed, (if the Manner of levying and recovering thereof is not herein otherwise directed) shall, upon Proof of the Offences respectively, before any One Justice of the Peace for the said East Riding, or any One Justice of Peace for the County or Place wherein the Offender shall be and reside, either by the Confession of the Party

or

Parties offending, or by the Oath of One or more Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby impowered and required to grant for those Purposes, and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Prosecution, Conviction, Distress and Sale, are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or levied, (if not otherwise directed to be applied by this Act) shall be, from Time from Time, paid to the Treasurer of the said Trustees, and applied in the Repair of the said Road; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorised and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the said Riding, County or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Two Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Writings to be without Stamps.

Provided always, and be it further enacted, That no Mortgage, Assignment, Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, 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, concerning or in Execution of any of the Powers or Authorities hereby vested in the said Trustee or Trustees, or Justice or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp-duty whatsoever.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no other particular Method of Relief hath been already appointed, it shall be lawful for such Person or Persons (except where any Matter to be done by this Act hereby directed to be final) within Six Calendar Months, to appeal to the Justices of the Peace at their next General Quarter Sessions to be held for the said East Riding of the

the County of York, who are hereby authorised and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved in a summary Way, and to redress the same in such Manner as to them shall seem meet, and the Nature of the Case shall require; and if they see Cause, the said Justices shall and may, by Order of such Sessions, mitigate at their Discretion all or any of the Penalties or Forfeitures laid or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Party or Parties at Liberty, or otherwise may ratify and 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 Chattels of any Person who shall refuse to obey the same, and for want of such sufficient Distress, to commit the Party to the Common Gaol or House of Correction of the said Riding for any Time not exceeding Three Calendar Months, or until Payment of such Costs shall be made; and all Persons so appealing as aforesaid shall, and they are hereby directed to give Notice in Writing to the said Treasurer or Treasurers 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 some Justice of the said Riding, with sufficient Sureties, with Condition to try such Appeal at the Quarter Sessions of the Peace, which shall be held next and immediately after the bringing such Appeal, and every such Appeal at the next General Quarter Sessions shall be heard and finally determined.

Proceedings not to be quashed for want of Form.

Provided always, and be it further enacted, That no Order made 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.

Proceedings of Trustees may be produced in Evidence.

And be it further enacted, That all Orders and Proceedings of the said Trustees, at their several Meetings, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings when entered shall be signed by the said Trustees, or such competent Number of them as is by this Act required; and the said Orders and Proceedings so signed shall be deemed and taken to be original Proceedings, and shall and may be

produced and read in Evidence in all Cases of Appeals, Suits, Actions, or other Proceedings, touching any Thing done by the Authority of this Act.

Commencement of the Act.

And be it further enacted, That this Act shall commence upon the Fourteenth Day from and after the passing of this Act, exclusive of the Day on which the same shall have been passed, and shall continue and be in full Force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Limitation of Actions.

And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, every such Action or Suit shall be brought within Six Calendar Months next after the Fact committed, and not afterwards; and shall be laid or brought in the County of York, and not elsewhere; and the Defendant or Defendants in such Action or Suit so to be brought shall and may plead the General Issue, not Guilty, and give this Act, and the Special Matter in Evidence, at the Trial to be had thereupon; and that the same was done in pursuance and by Authority of this Act: And if the same shall appear so to be done, or such Action or Suit shall be brought after the Time before limited for bringing the same as aforesaid, or shall be brought in any other County, Place, or Places, then the Jury shall find for the Defendant or Defendants: And if such Verdict shall be so found, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his or their Action, after the Defendant or Defendants shall have appeared; or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant and Defendants shall and may recover Treble Costs of Suit, and have such Remedy for the same as any Defendant or Defendants hath in any Cases by Law.

General Issue.

Treble Costs.

Publick Act.

And be it further enacted, 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.

I

FINIS.