Anno quarto

Georgii III. Regis.

An Act for Repairing and Widening the Road from *Beverley* to *Kexby Bridge*, in the County of *York*.



Whereas the High Road leading from the Town of Beverley, in the East Riding of the County of York, through Market Weighton, to Kexby Bridge, leading towards the City of York, is in many Parts so sounderous, deep, and narrow, that Travellers with Carts, Carriages, and Coaches cannot pass and travel thereon without great Danger; and the same Road cannot by the ordinary Course provided by the Laws for repairing the Highways of this Kingdom be effectually amended, widened, and kept in good Repair: May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Lord Mayor, Recorder, and Aldermen of the City of York for the time being; the Mayor, Recorder, and Aldermen of the Town of Beverley for the time being, Sir Edmund Anderson, Sir Griffith Boynton, Sir Charles Buck, Sir Robert Hildyard, Sir Charles Hotham, Sir Digby Legard, Sir William Pennyman, Sir John Pennington, Sir George Strickland, Baronets; Sir George Montgomery Metham Knight, Thomas Acklom, Christopher Appleyard, Ramsden Appleyard, Teavil Appleton, Esquires; Robert Appleton Gentleman, Reverend William Anderson Clerk, Francis Boynton, Hugh Bethell, William Bethell, Francis Best, Richard Burton, William

Preamble

Trustees Names.

William Burton, Ralph Burton, Robert Burton, Thomas Broadley, John Broadley, Iſaac Broadley, Edward Burrow, Richard Beatniff, John Bowman, Leuyns Boldero, Henry Barnard, Francis Beilby, John Wood Boynton, James Boreham, Robert Belt, Thomas Barſtow, Godfrey Boſville, Francis Barlow, Thomas Barlow, Gabriel Brooke, Montague Brooke, **Eſquires**; John Brough, William Brough, William Berriman, Robert Bewlay, **Gentlemen**; Francis Beſt, Thomas Barker, Thomas Bowman, Chriſtopher Spencer Breary, Kingſman Baſket, Blake, **Clerks**; Nathaniel Cholmley, William Cholmley, Stephen Croft, Marmaduke Conſtable, John Courtney, James Cooke, James Collins, **Eſquires**; Charles Croſs, Richard Croſs, **Gentlemen**; **Doctor** Cotes, Thomas Conſtable, John Caley, William Caley, **Clerks**; Chriſtopher Dawney, Henry Brewſter Darley, Richard Darley, John Dealtry, **Eſquires**; John Drinkrow **Gentleman**, Eaton Mainwaring Ellerker, Henry Etherington, Thomas Etherington, William Ellerker, **Eſquires**; Thomas Fairfax, Marmaduke Fothergill, Timothy Foord, Barnard Foord, **Eſquires**; Roger Gee, Richard Gee, Chriſtopher Goulton, John Grimſton, Robert Grimſton, John Greame, Robert Greame, **Eſquires**; James Grayburn, John Graves, Ellinor Garton, **Gentlemen**; Henry Goodrick **Clerk**, Robert Darcy Hildyard, Thomas Haſſell, Philip Harland, John Hudſon, James Heblethwaite, Man Horſefield, John Hutton, John Hill, Randolphus Hewitt, **Eſquires**; William Hunter, John Hewitt, Robert Hanſon, Mathew Harland, **Gentlemen**; John Holme, Randal Hancock, **Clerks**; William Tufnell Jolliffe, Peter Johnſon, Robert Jubb, Emanuel Jefferſon, John Jarratt, **Eſquires**; John Johnſton, Robert Jarratt, **Gentlemen**; Samuel Johnſton **junior**, **Clerk**, Thomas Knoulton **Gentleman**, John Knowſley **Clerk**, Robert Lane, Barnabas Legard, Robert Legard, Luke Lillingſton, Savage Lloyd, Ralph Lutton, **Eſquires**; Thomas Leake **Clerk**, Nathaniel Maiſter, Henry Maiſter, Bacon Morrit, Sawrey Morrit, Thomas Morley, Henry Maſterman, Jonathan Midgley, William Meeke, Francis Meeke, John Morehouſe, **Eſquires**; Henry Munby, Richard Milner, **Gentlemen**; Robert Midgley, Francis Matſon, Thomas Moſeley, **Clerks**; Michael Newton, Thomas Norcliffe, **Eſquires**; Edward Nixon, Marmaduke Nelſon, James Newton, **Gentlemen**; William Oſbaldeſton, Fountain Wentworth Oſbaldeſton, George Overend, **Eſquires**; Ralph Pennyman, James Pennyman, Charles Pool, William Pawſon, Francis Peirſon, William Paul, **Eſquires**; Edward Plumpton, John Preſton, **Clerks**; William St. Quintin, Matthew Chitty St. Quintin, **Eſquires**; John Robinſon, John Rickaby,

Shermar Rookſby, William Read Rudſton Calverley Rudſton, Charles Robinſon, Mathew Remington, Eſquires; John Raper, Arthur Ricard, William Richardſon, Gentlemen; Robert Robinſon Clerk, Walter Strickland, William Strickland, John Storr, William Stables, William Sotheran, James Shaw, Richard Sterne, Mathew Smith, Eſquires; John Seymour, Samuel Spendlove, William Siddall, Gentlemen; Zachary Sugar, Smith, Clerks; Beilby Thompſon, William Thompſon, Leonard Thompſon, Tindal Thompſon, Francis Topham, George Toulſon, Eſquires; William Thomlinſon, William Territt, Richard Thompſon, Iſaac Thompſon, Clerks; Warton Warton, Henry Willoughby, William Waines, William Wilberforce, William Wilberforce junior, Robert Wilberforce, Charles Witty, Thomas Wilſon, Edward Wormley, Samuel Watſon junior, Eſquires; Thomas Watſon, Thomas Watſon of Arras, Robert Wharram, Thomas Walker, Ralph Wiſe, Gentlemen; William Ward, Thomas Wakefield, John Whaley, Thomas Willan, Clerks; Charles Yarbrough Eſquire, James Young, Robert Manners Eſquire, commonly called Lord Robert Manners; Thomas Lacon Barker, Edward Dowſett, James Huſtler, Giles Earle, Weddall, George Foſter Tufnell, Windham Bowyer, William Boſville, Thomas Greame, Joſeph Hudſon, Boynton Langley, Thomas Worſley, Joſhua Wilſon, Payler, Eſquires; Doctor Swinney, Henry Egerton, and James Worſley, Clerks; ſhall be and they are hereby nominated and appointed Truſtees for ſurveying, ordering, amending, widening, 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, or any Five or more of them, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, ſhall and may erect, or cauſe to be erected, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or croſs any Part or Parts of the ſaid Road, or on the Sides thereof, and croſs any Lane or Way leading into the ſame, and alſo a Toll-houſe or Toll-houſes in or upon the ſame; and ſhall and may demand, receive, and take the Tolls and Duties following, before any Horſe, Mare, Gelding, Mule, Aſs, Cattle, Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Chair, Caravan, Hearſe, Waggon, Wain, Cart, or other Carriage whatſoever, ſhall be permitted to paſs through any of the ſaid Gates or Turnpikes; that is to ſay,

Truſtees may erect Turnpikes and Toll-houſes, and take the following Tolls thereat.

For every Coach, Chariot, Landau, Berlin, Hearſe, Chaiſe, or Calaſh, drawn by Six or more Horſes, Mares, Geldings, The Tolls.

Geldings, or Mules, the Sum of One Shilling and Six Pence; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of One Shilling; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Nine Pence.

For every Chaise or Chair, drawn by One Horse, Mare, Gelding, or Mule, the Sum of Six Pence.

For every Waggon, Wain, Cart, or Carriage, drawn by Five or more Horses, Oxen, or Beasts of Draught, the Sum of One Shilling and Six Pence; and drawn by Four Horses, Oxen, or Beasts of Draught, the Sum of One Shilling and Three Pence; and drawn by Three Horses, Oxen, or Beasts of Draught, the Sum of One Shilling; and drawn by One or Two Horses, Oxen, or Beasts of Draught, the Sum of Nine Pence.

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

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

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

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of, or as a Toll or Duty; and the Money so thereby to be raised and collected, is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, disposed of, or assigned, to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after appointed and directed; and it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, under their Hands and Seals, shall from time to time nominate and appoint, to raise and levy the Tolls and Duties hereby granted and made payable, upon any 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, Goods, or Chattles, upon or for which any such Toll or Duty, Tolls or Duties, is or are by this Act imposed and made payable, or by Distress of any other of the Goods or Chattles of such Person or Persons who ought to pay the same, and such Distress and Distresses to detain and keep until such Toll or Duty, Tolls or

Tolls vested in Trustees.

Tolls may be levied by Distress and Sale.

Duties, with the reasonable Charges of making and detaining such Distress or Distresses, shall be paid; and in case any such Toll or Duty, for which any such Distress shall be made, shall not be paid within the Space of Four Days after such Distress made, such Person or Persons so distraining may, and is hereby authorized and impowered to sell the Horses, Cattle, Goods, and Chattles so distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls and Duties, and all reasonable Charges of distraining, keeping, and selling such Distress and Distresses, shall be deducted and paid.

Distress may be sold after 4 Days.

Provided always, That no Person shall be liable to pay more than Three full Tolls for passing or repassing at any Time or Times in any One Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the succeeding Night, with the same Cattle or Carriage through all or any of the Gates or Turnpikes to be erected by virtue of this Act, upon, near, or on the Sides of the said Road, or cross any Lane or Way leading into the same; nor more than Once in any One Day, to be computed as aforesaid, for passing through any One of such Turnpikes; but that all and every Person and Persons, after having paid such Tolls or Toll as aforesaid, shall, upon producing a Note or Ticket, Notes or Tickets, denoting such Payments or Payment, afterwards pass with such Cattle or Carriage Toll-free during such Day, to be computed as aforesaid, upon the respective Parts of the said Road whereon or in relation whereto such Payments or Payment respectively were or was made; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on Receipt of the Tolls.

Three full Tolls only to be paid for passing through all the Turnpikes.

Provided always, and be it further enacted, That no Turnpike shall be erected on the said Road until Subscriptions shall be obtained for advancing or lending the Sum of Three thousand Pounds upon the Credit of the Tolls by this Act granted; any thing herein contained to the contrary notwithstanding.

No Turnpike to be erected until Subscription for 3000 *l.* be obtained.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever owning, renting, or occupying any Land or Tenement 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, or other Carriage, Horse, Mule, Gelding, Ass,

Penalty on Persons permitting private Passage, &c.

to avoid Payment of the Tolls.

Ass, or any Sort of Cattle, or Sheep, whereby the Payment of any of the Tolls or Duties by this Act laid shall or may be fraudulently avoided, or with Intent to evade the Payment thereof, every such Person and Persons so offending, and being thereof convicted upon Oath before any One or more Justice or Justices of the Peace of the said East Riding of the said County of York, or of the Town and Corporation of Beverley aforesaid, as the Offence shall happen to be committed within their respective Jurisdictions (which Oath any such Justice or Justices of the Peace is and are hereby also impowered to administer) shall, for every such Offence, forfeit and pay to the said Trustees hereby authorized to put this Act in Execution, or to the Treasurer for the time being appointed by the said Trustees, the Sum of Twenty Shillings; which Sum, in case the same be not forthwith paid, shall be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal, or Hands and Seals, of the said respective Justice or Justices of the Peace; 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 respective Justice or Justices of the Peace.

Penalty on passing 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, or other Carriage, Horse, Mule, Ass, or any Sort of Cattle, shall cause the same to 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 other Place any Coach, Berlin, Landau, Chariot, Chaise, Chair, Hearse, Waggon, Wain, Cart, or other Carriage, Horse, Mule, 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, for every such Offence, 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,

or unloading Goods, &c.

to avoid paying the Tolls.

lings, to be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattles as aforeſaid.

No Toll on Election Days.

Provided always, and it is hereby declared, That during the Continuance of this Act, all Coaches, Berlins, Landaus, Chariots, Chaiſes, Chairs, or Litters, and Paſſengers on Horſeback, 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 Citizen or Citizens to ſerve in Parliament for the ſaid City of York, or of a Burgeſs or Burgeſſes to ſerve in Parliament for the Town of Beverley, ſhall paſs and repaſs Toll-free through any Turnpike or Turnpikes which ſhall be erected in purſuance of this Act, on the Days of ſuch Election or Elections, or on the Day before, or Day after, ſuch Elections reſpectively ſhall begin and be concluded; any thing herein contained to the contrary notwithſtanding.

Road to be meaſured, and Mile-ſtones erected.

Provided alſo, and be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five 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 and maliciouſly break any of the Stones or Poſts, or any Part thereof, which ſhall be ſo erected and ſet up, or ſhall obliterate or deface any of the Words, Letters, Figures, or Marks, which ſhall be engraved or inſcribed thereon, and ſhall be convicted thereof by 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 of the ſaid Riding, or of the ſaid Town and Corporation of Beverley, every ſuch Perſon ſo offending, ſhall forfeit and pay the Sum of Forty Shillings, to be levied and recovered 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 Forfeitures 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 for any One or more of ſuch

Penalty on defacing Mile-ſtones;

to be levied by Diſtreſs and Sale.

For want of Diſtreſs, the Offender to be committed.

Justices as aforesaid, 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 of the Town or Corporation of Beverley, for the Space of One Calendar Month, and he, she, or they, shall not be sooner discharged, unless he, she, or they, shall pay the said Sum of Forty Shillings.

Trustees may appoint Officers,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, assembled at their First or any succeeding Meeting, by Writing under their Hands and Seals, shall and may choose and appoint One or more fit Person or Persons to be 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 same be repaired, and that the Money by this Act to be raised is duly applied; and the said Trustees, or any Five or more of them, 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 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 Five or more of them) before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace for the said Riding or Town and Corporation of Beverley, residing near to the said Road (which Oath such Trustees, or any Two or more of them, or such Justice or Justices is and are hereby impowered and required to administer) on the first Monday in every Month during the Continuance of this present Act, give in a true, exact, and perfect Account in Writing under their respective Hands, of all the Money which he, 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; and in case any Money so received

and remove them, and appoint others.

Officers to account upon Oath.

shall

shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five 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 Meaning of this Act, and not otherwise; and the said Trustees, or any Five or more of them, 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, and to such other Person and Persons as have been or shall be assisting in and about procuring the said Road to be amended and repaired, by advancing or laying out Money or otherwise relating thereto, as to the said Trustees, or any Five or more of them, shall seem just and reasonable; and in case any such Receiver, Surveyor, Collector, or other Officer, shall not give and make such Accounts and Payments of any Money which shall so have come to his Hands, as the said Trustees, or any Five or more of them, shall order and direct or require, 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 any such Receiver, Surveyor, Collector, or other Person or Persons hath or have acted or been employed, and made such Default as aforesaid, shall and may make Enquiry in a summary Manner of or concerning such Default, as well by Examination of the Party or Parties making such Default, as by the Testimony of any 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 convicted before such Justices of having neglected or refused to give such Account, or of having given a false, defective, or imperfect Account, or of having neglected or refused to pay the Money due on such Account within Twenty Days after such Account shall be so given in, it shall and may be lawful to and for any Two or more of such Justices to commit the Party

Trustees to allow Officers Salaries.

Officers refusing to account,

Justices to enquire into the Default,

and commit the Offender,

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 Town and Corporation of Beverley, according to the respective Jurisdictions of such Justices before whom such Conviction shall be made, there to remain without Bail or Mainprize until he or they shall have made a true and perfect Account and Payment as aforesaid, or until he or they shall have compounded and agreed with such Trustees, and shall have paid such Composition to such Person as such Trustees, or any Five or more of them, shall appoint to receive the same; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

till Payment or Composition made.

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person and Persons as he or they shall appoint, to dig, gather, take, and carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any Waste, or any Common, 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 Surveyors or other Persons filling up the Pits and levelling the Ground from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and where there is not sufficient of such Materials in any such Commons or Waste Grounds as aforesaid, it shall and may be lawful to and for such Surveyor or Surveyors (by Order of the said Trustees, or any Five or more of them) to dig and gather the same out of the several Grounds of any Person or Persons (not being the Ground whereon any House shall then stand, nor 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 any 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 of the same Road 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 Five or more of them, shall judge

without paying for the same; levelling the Pits.

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

making Satisfaction to the Owners.

judge reasonable: And in case of any Difference between such Owners or Occupiers and the said Trustees, touching such Damage as aforesaid, the Justices of the Peace of the said Riding, and of the Town and Corporation of Beverley respectively (according as the Grounds where and 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. Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor and Surveyors, and such Person or Persons as he or they shall appoint, (by the Direction of the said Trustees, or any Five or more of them, under their Hands) from time to time, to remove and prevent all Annoyances on or in any Part of the said Road between the Town of Beverley and Kexby Bridge aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains, running into, along, or out of the said Road, to the Prejudice thereof, and to cleanse any Ditch or Watercourse adjoining to the said Road; and to cut down, lop, or top, any Trees or Bushes growing in the said Road, or on 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 Five 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 or Justices is and are hereby impowered to administer) shall, for every such Offence, Surveyors may remove Annoyances, the Owners neglecting to remove the same after Notice. Charges to be reimbursed the Surveyor. Penalty of a second Offence.

Offence, forfeit and pay unto the said Trustees the Sum of Twenty Shillings, to be levied by Distress and Sale of the Goods and Chattles of any such Person or Persons, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices; rendering the Overplus (if any) after the reasonable Charges deducted, to the Owner or Owners thereof.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by Order of the said Trustees, or any Five or more of them, to make or cause to be made any Causeway or 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 any Common or Waste Grounds, contiguous and adjoining thereto, or through which the said Road doth now lead; and also to cause Ditches or Trenches 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; making such Satisfaction to the Owners and Occupiers of such Ground respectively, 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 to be just and reasonable by the said Trustees, or any Five or more of them; and in case any Difference shall happen between such Owners or Occupiers and the said Trustees, touching such Damages, 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 happen to be done, at their then 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 of such Dimensions, and in such Manner, as the Surveyor or Surveyors appointed or to be appointed by virtue of this

making Satisfaction to the Owners.

Justices to determine Differences.

Owners neglecting to scour their Watercourses, &c.

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, 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 employ any Labourer or Labourers to scour, cleanse, or deepen the same; and, by Warrant from any Justice of the Peace for the District where the Offence shall be committed, to levy the Charges and Expences of doing the same by Distress and Sale of the Goods and Chattles of the Owner or Owners, Occupier or Occupiers, of such Watercourse or Watercourses, Ditch or Ditches, rendering the Overplus (if any be) after all Charges of such Distress and Sale shall be thereout deducted, to the said Owner or Owners, Occupier or Occupiers, whereby him, her, or them demanded.

Surveyors may let Men to cleanse the same,

and levy the Charges by Distress and Sale.

And whereas some Parts of the said Road may be so narrow, or so founderous, that Horses, Coaches, Carts, or Carriages, cannot safely pass along the said Parts of the said Road, whilst the same shall be repairing; be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful to and 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 such narrow or founderous Part or Parts of the said Road (not being the Ground whereon any House shall then stand, or a Garden, Orchard, Park, planted Walks or Avenue to an 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 Grounds 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 Differences shall be heard, settled, and finally determined, by the Justices in whose respective Jurisdictions such Damages shall be done, at their respective next General Quarter Sessions, in such Manner as

Surveyors may make a temporary Road,

making Satisfaction to the Owners.

Justices to determine the Differences.

as is expressed with respect to the Damages to be done by making Causeways, cutting of Drains, and erecting Arches and Bridges, as aforesaid.

Trustees may contract for the Purchase of Lands to be taken into the Road.

And be it further enacted by the Authority aforesaid, That in case the Trustees for putting this Act in Execution, or any Five or more of them, shall think proper to widen, turn, or alter any Part or Parts of the said Road, for the better Accommodation of Coaches, Carriages, and Passengers; it shall and may be lawful for and for the said Trustees, or any Five or more of them, and they are hereby authorized and impowered, from time to time, to treat, contract, or agree, for the Purchase of any Lands, Grounds, or Hereditaments, lying contiguous or near to the said Road, and for the Loss or Damage the Owners, Proprietors, or Occupiers thereof, or any of them, shall or may any ways sustain by such widening, altering, or turning such Road, and to pay for the same out of the respective Tolls and Duties by this Act granted, or out of the Money to be borrowed on the Credit thereof, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, or Persons interested 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 said last mentioned Road, in such Manner as the said Trustees, or any Five or more of them, shall think convenient, with proper Drains, Ditches, and Fences, 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 Manners 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 and Parts of the old or former Road, in lieu whereof such Lands or Grounds shall be purchased for such new Road as aforesaid, unless the same leads to some Village, Town, or Place, to which such 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 Road by this Act directed to be repaired; and the Sale and Conveyance, or Conveyances, to be made of such

Lands, &c. purchased to be laid into the Road,

and esteemed a publick Highway,

and kept in Repair as such.

Old Road may be sold.

Lands

Lands and Grounds comprised 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 Riding, or Town Clerk of the Corporation, within which the same shall lie, shall be effectual to all Intents and Purposes whatsoever.

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

And, for the removing all Difficulties and Obstacles which might otherwise obstruct such Contracts; be it hereby further enacted by the Authority aforesaid, That it shall and may be lawful to and 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-covert, Ideots, Lunaticks, and other Person and 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 Purchase thereof, or of any Part thereof, or for their Interest therein, for the Purpose 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 authorized 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.

Persons, &c. neglecting to treat,

And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Body Politick or Corporate, Husbands, Guardians, Trustees, Committees, or other Person or Persons interested in such Lands, Grounds, or Hereditaments, upon convenient Notice to them given, or left in Writing at the Dwelling-house or Place of Abode of such Person or Persons, or of the Head Officer or Officers of such 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 Premisses, 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

Jury to settle the Damage and Recompence.

inquired

inquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men (which Oath the said Trustees, or any Two 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 Owners, Proprietors, or other Person or Persons interested, for or upon account of the taking of 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 be or require, to summon and call before them all and every Person or Persons whatsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses, and shall examine all such Witnesses before the said Jury upon Oath (which Oath the said Trustees, or any Two or more of them, are hereby impowered and required to administer); and they shall also order and cause the said Jury to view the said Places in question, and to use all other lawful Ways and Means, as well for their own as the said Jury's Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have so enquired of, ascertained, and settled such Damages and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors, of the said Lands, Grounds, and Hereditaments, or other Persons interested therein, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whatsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, and all other Person and Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways 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

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the said County of York, thereby commanding or requiring him to impanel, 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 impanel, summon, and return such Twenty four Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees, or any 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.

Trustees may issue their Warrant to summon and impanel a Jury.

Provided always, and be it hereby declared and enacted by the Authority aforesaid, That 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, 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 Deputies or Bailiffs respectively, who shall make Default in the Premisses, 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 his or their Verdict of and upon the Matter in Question, or the Damages he or they shall be sworn to try or to inquire, or 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 touching the Premisses, shall refuse to be examined to give Evidence or Testimony touching the same: Provided no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One single Offence; and such Fine shall be levied, recovered, and applied,

Jurors may be challenged.

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

Fine not to exceed 10 l.

applied, in such and the like Manner as any other Fines or Penalties is or are by this Act directed to be levied, recovered, and applied.

Tolls may be assigned for Money borrowed.

And forasmuch as the Money to be collected by the Receipts of the said Tolls or Duties by this Act made payable as aforesaid, will not at present be sufficient for the speedy repairing of the said Road; be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall and may, and they are hereby impowered, from time to time, by any Writing under their Hands and Seals, to assign over the said Tolls and Duties hereby granted, and which shall or may arise or become payable by virtue of this Act, or any Part thereof, for any Time during the Continuance of this Act, as a Security by way of Mortgage, for any Sum or Sums of Money by them to be borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall advance and lend the same, in order to secure the Repayment thereof, with Interest; which said Money so to be borrowed shall be applied as the said Tolls or Duties by this Act are directed to be applied, and to no other Use or Purpose whatsoever; but no Money shall be borrowed by the said Trustees on the Credit of the Tolls so hereby granted, after their First Meeting held by virtue of this Act, 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 of such Money; and the Costs and Charges of making such Mortgage or Assignment shall be borne and paid out of the Tolls and Duties so to be mortgaged or assigned.

Notice to be given of borrowing Money.

Assignments to be entered in a Book.

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

Assignments may be transferred.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made by the said Trustees, or any Nine or more of them, as a Security for any Sum or Sums of Money by any Person or Persons to be lent or advanced on the Credit and for the Purposes mentioned in this Act, and who shall

shall be intitled to the Money thereby secured, shall and may from time to time, by Indorsement on the Back of his, her, or their Security, or by any other Writing or Writings to be signed by him, her, or them, in the Presence of Two or more credible Witnesses, assign or transfer any such Security, and all Benefit and Advantage thereof, and all his, her, 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 or notified within Three Months next after the Date thereof, to the Clerk or Treasurer appointed or to be appointed by virtue of this Act, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Parties Names, and the Sum of Money therein mentioned; which Memorial shall be made and kept in the same Book in which any such original Mortgage or Assignment shall be entered; for which Entry Two Shillings shall be paid, 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 and Advantage thereof, and the same may be in like Manner assigned from time to time; and it shall not be in the Power of any Person or Persons making such Assignment to release or discharge the same, or any Monies thereby due, or any Part thereof.

Entries of all Assignments to be made.

Clerk's Fee.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, out of the First Money arising by the Tolls and Duties which shall be collected upon the said Road by virtue of this Act, or out of such Money as shall be borrowed on the Credit thereof, shall, in the First Place, pay and discharge all the Expences and Charges of procuring, obtaining, and passing this Act, and of erecting such Turnpikes and Toll-houses as they shall think proper; and afterwards the Money arising by the same Tolls or Duties, and the Money to be borrowed as aforesaid, shall be laid out and applied for and towards the repairing the said Road, and other the Purposes of this Act relating thereto, in such Manner as the said Trustees, or any Five or more of them, shall direct and appoint.

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, if they shall think fit, by Order in Writing, to be entered by their Clerk in the publick Book of the said Trustees, demise and lett the Tolls and Duties to be collected at any Turnpike-gate or Gates, Toll-bar or Bars to be erected upon the said Road, for any Term not exceeding One Year on each Demise, for the best

Trustees may lease the Tolls.

Rent or Rents that can be got for the same; which Rent or Rents shall be applied and disposed of as the Tolls and Duties to be collected upon the same Road are hereby directed to be applied: Provided, That before any such Demise shall be made, Ten Days Notice thereof at the least shall be fixed upon each of the Turnpike-gates or Toll-bars which shall be erected upon the same Road; and that the Money that shall be so agreed to be paid for the said Tolls, shall be made payable and shall be paid to the said Trustees by equal Quarterly Payments; and that the Person or Persons to whom the said Tolls shall be so lett shall always pay down One Quarter's Pay in Advance; and if any Letting or Agreement for letting the said Tolls, or any Part or Parts thereof, shall be made, or any Default shall be made in Payment of the Money agreed to be paid for the same in Advance, contrary to the true Meaning of this Act, then every such Letting and Agreement shall be void; and then, and in either of such Cases, the Person or Persons to whom the said Tolls shall be lett, shall be liable to account for the same; and to have the same levied and recovered upon and of him and them, by the same Means, and in the same Manner, as are by this Act directed or provided for the accounting for the said Tolls by the Collectors thereof, or for Monies had and received by any Person or Persons, and unaccounted for or unpaid, and for levying and recovering the same upon and of them.

Persons giving or receiving Tickets, &c.

And for the preventing fraudulent Contrivances to avoid the Payment of any of 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 required to be paid, 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

to avoid Payment of the Tolls.

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 Note or Ticket, Notes or Tickets, and the Persons receiving the same, being thereof convicted upon Oath 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 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.

Provided

Exemptions from Tolls.

Provided always, and be it 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, Bull, 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 in any of the neighbouring Parishes or Townships; 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 or 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 Growers thereof, being 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, manuring or stocking of Lands within such Parishes, Townships, or Places; nor for any Horses, Geldings, Mares, or Cattle, going to, or returning from, Pasture or Watering-places belonging to such Parishes, Townships, or Places; nor shall any Toll or Duty be demanded or taken for the Horses of Soldiers passing upon their March; or for Carts, Carriages, or Waggons, attending them, or laden with their Arms or Baggage, or for Horses, Carts, or Waggons, travelling with Vagrants sent by legal Passes; and if any Person or Persons 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.

Penalty on making illegal Claims.

Trustees may lessen the Tolls, &c.

Provided always, and be it hereby enacted by the Authority aforesaid, That the said Trustees hereby appointed, and their Successors, or any Nine or more of them, may, if they think fit, at any Time or Times during the Continuance of this Act, lessen the Tolls and Duties hereby granted and made payable, and order and direct the same to be collected, received, and taken in such Manner, Parts, and Proportions as they shall think proper; any thing herein contained to the contrary notwithstanding; so as such Deduction be no Prejudice

to

to any Person who shall advance any Money on the Credit of the said Tolls, or shall be with the Consent of the Person or Persons who at the Time of such Reduction shall be intitled to any Money secured thereon.

and raise them again.

Provided also, That if at any Time after such Reduction or Lessening of the said Tolls, as aforesaid, the Tolls so reduced or lessened shall not be found sufficient to answer the Purposes intended by this Act, that then it shall and may be lawful to and for the said Trustees, or any Nine or more of them, to advance and raise the said Tolls, or any of them, to the Sum herein before by this Act directed to be taken and paid; any thing herein contained to the contrary thereof notwithstanding.

Lands, &c. chargeable to the Repair of the Roads, to continue so.

And be it hereby further enacted by the Authority aforesaid, 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 hereafter shall be liable and 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 and may be lawful to and for any Justice of the Peace for the District 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 and Duties to be collected from the said Road, and the Money to be borrowed on the Credit thereof, are in and by this Act directed to be applied and disposed of.

Persons liable to do Statute-work to continue so.

Provided also, 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, 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.

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

ing what Proportion of the Statute-work, for any Parish or Place, ought to be done on the said Road by this Act directed to be repaired, lying in any such Parish or Place respectively; be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Two or more of the Justices of the Peace of the said East Riding, or of the said Town and Corporation of Beverley, within their respective Jurisdictions, at any Petty or Special Sessions of the Peace, upon Application made to them by the said Trustees, or any Five or more of them, to adjudge and determine what Part or Proportion of the Statute-work shall be done in the 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.

Justices to determine the Proportion of 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 Townships and Districts within which the said Road 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 usual Place or Places of Abode, under the Hands of any Five or more of the said Trustees, summon or give publick Notice to all and every Person and Persons chargeable within their several and respective Townships and Districts, to do and perform such Part of their Statute-work on the said Road or Highway directed to be repaired by this Act, leading through their said several and respective Townships and Districts as shall be appointed as aforesaid, and shall, on the said Days so 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 or left for him or them as aforesaid, under the Hands of any Five or more of the said Trustees, give and deliver unto such Person or Persons as they the said Trustees shall appoint, a true List, according to the best of his or their Knowledge; and upon Oath, if thereunto required by the said Trustees (which Oath any Justice of the Peace for the said Riding, or Town and Corporation of Beverley, is hereby

Surveyors to deliver in Lists of Persons liable to do Statute-work.

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 and they, for every such Neglect or Refusal, shall forfeit and pay the Sum of Five Pounds: And if any Person or Persons keeping a Team or Teams, Draught or Draughts, and chargeable towards repairing the said Roads and Highways, 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 their said Statute-work as shall be determined and appointed to be done on the said Road or Highway directed to be repaired by this Act, leading through their 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, so chargeable towards repairing the said Road or Highway, 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 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.

Penalty on Surveyors neglecting to deliver in such Lists;

and on Persons not performing Statute-work.

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

And be it further enacted by the Authority aforesaid, 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 Body 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, liable to the said Repairs, any thing herein contained to the contrary notwithstanding.

Trustees may compound for Statute-work.

Provided also, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from time to time, during the Continuance of this Act, to compound and agree with the Inhabitants of any of the Parishes, Townships, Hamlets, or Places, chargeable with the Repairs of the said Road, or with any of the Owners or Occupiers of Lands or Tenements, which are or shall be liable or chargeable towards repairing

ing any Part of the said Road, for the Statute or other Work to be done by any such Parish, Township, Hamlet, or Place, 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 at the respective Times of making such Compositions.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That when any Penalties or Forfeitures by this Act imposed shall be incurred (except such as are by this Act otherwise particularly directed to be recovered) then upon Complaint and Proof thereof made to any Justice of the Peace of the Riding or Place where such Penalty or Forfeiture shall be incurred, by or on the Oath or Oaths of One or more Witness or Witnesses, such Justice may and is hereby required to issue his Warrant or Warrants under his Hand and Seal, for the apprehending and bringing such Person or Persons before him, or some other Justice of the Peace of the said Riding or Place, to answer the Matter of the said Complaint or Complaints; and the Justice before whom such Person or Persons shall be so brought, or if the said Person or Persons cannot easily be met with or found, then upon leaving a Summons from and under the Hand and Seal of such Justice, which he is hereby in such Case required to issue, at the last and usual Place of Abode of such Person or Persons, thereby setting forth the Nature of the said Complaint or Complaints, and appointing a Time and Place for the said Person or Persons to appear and answer the same before such Justice, such Summons being so left Three clear Days before the Time appointed for such Appearance, such Justice, even if the said Person or Persons being so summoned shall not appear, may and is hereby required to enquire into the Causes and Matters of the said Complaint or Complaints, in a summary Way, and either by the Confession of the said Person or Persons, or on the Evidence of One or more Witness or Witnesses, on Oath as aforesaid, if he shall see Cause, convict the said Person or Persons of such Offence or Offences, and in the Penalties or Forfeitures by him or them respectively incurred in those Respects, and for Non-payment thereof, though the same shall not be demanded, shall issue a Warrant or Warrants under his Hand and Seal, for levying the same Penalties or Forfeitures, by Distress and Sale of the Goods and Chatties of such Offender or Offenders; rendering the Overplus (if any there shall be) after Payment of such Penalties and Forfeitures, and the Charges of the said Distress and Sale, to the said Offender or Offenders respectively,

Overplus Money to be returned to the Owner.

spectively, if demanded; and for want of such Distress for those Purposes, shall issue a Warrant or Warrants under his Hand and Seal for the apprehending and taking such Offender, and for committing him or them to the Common Gaol of the County, Riding, or Place, where he, she, or they, shall be so apprehended, there to remain without Bail or Mainprize, until the said Penalties, or Forfeitures and Charges, or the Arrears thereof, shall be paid, or until such Offender or Offenders shall have compounded for the same with the said Trustees, and paid such Composition to them, and which said Composition the said Trustees, or any Five or more of them, are hereby impowered to make and receive; and upon Receipt thereof, to discharge the said Offender or Offenders from the said Penalties or Forfeitures, and Charges; and all Penalties and Forfeitures by this Act imposed, other than and except such or such Parts thereof as are by this Act otherwise directed to be paid, shall be paid to the said Trustees, and shall be by them applied in the Repair of such Part of the said Road, in respect whereof such Penalties or Forfeitures respectively shall be incurred, in like Manner as other the Monies to be raised by virtue of this Act are hereby directed to be applied.

Turnpikes, &c. vested in the Trustees.

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

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and all the Powers hereby granted and given, shall take Place from and after the First Day of June, One thousand seven hundred and sixty four, and shall continue and be in Force for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

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

Provided always, 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 shall be in the Commission of the Peace for the said East Riding of the County of York, or for the City and County of the City of York, or for the said Town and Corporation of Beverley, such Trustee and Trustees shall and may act as a Justice or Justices

tices 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 such Justice or Justices is, are, or shall be, a Trustee or 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 Corporation of Beverley aforesaid, it shall and may be lawful for the surviving and remaining Trustees, or any Five or more of them, by any Writing 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, or in the said Corporation of Beverley aforesaid, in the Room and 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 and Purposes, in as full and ample Manner as the said Trustees nominated and appointed by this Act are hereby authorized and impowered to act as aforesaid.

14 Days Notice of Election to be given.

Provided also, 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 Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or shall be Heir Apparent to some Person having an Estate of the yearly Value of Two hundred Pounds: And if any Person hereby made incapable to act as a Trustee for the Causes aforesaid, shall nevertheless act, contrary to the true Intent and Meaning of this Act, every such Person for every such Offence, shall forfeit and pay the Sum of Fifty Pounds to any Person 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

Qualification of Trustees.

Penalty on acting if not qualified.

Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the 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.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the Trustees aforesaid, or any Five or more of them, shall meet together at the House known by the Sign of the Tiger in Beverley aforesaid, on the First Saturday in June, One thousand seven hundred and sixty four, and shall then, and from time to time afterwards, adjourn themselves to, and meet at, such Places 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, by Notice in Writing under his Hand, to be fixed on the Market Cross in Beverley aforesaid, and on all the Turnpike-gates 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 their First and at their subsequent Meetings, shall defray their own Charges and Expences: And that 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 that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless the Number of Trustees revoking or altering the same shall exceed the Number of Trustees by whom such Order was made, and unless the Person or Persons applying to revoke or alter any such Order shall give Notice in Writing to the Clerk of the said Trustees, to be by him 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.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Trustees to defray their own Expences.

No Order to be valid, unless made by the Majority of the Trustees present;

nor be revoked but by a greater Number.

No Trustee to accept a 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.

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

Provided also, That no Innholder, Victualler, or Person who shall sell any Spirituous or Fermented Liquors by Retail, or any Person who shall carry Goods for Hire, or use the Occupation of a Common Carrier, shall be capable of holding or enjoying any Office or Place of Trust under this Act.

Writings to be without Stamps.

Provided also, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals 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 of the Powers or Authorities hereby vested in such 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 by the Authority aforesaid, That in case any Person shall think him or herself aggrieved by any thing done in pursuance of this Act, it shall and may be lawful to and for such Person, within the Space of Six Calendar Months, to appeal to the Justices of the Peace at their next General Quarter Sessions to be held for the Riding, Liberty, or Place, wherein the Cause of Complaint shall arise, 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 in a summary Way, and, if they see Cause, shall and may, by Order of such Sessions, mitigate at their Discretion all or any of the Penalties or Forfeitures laid on 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 Warrants, such Costs so awarded, by Distress and Sale of the Goods and Chattles 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 of the County of York, 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 for the time being, of such their Intention of bringing or prosecuting any Appeal, Fourteen Days before the said Quarter Sessions; and shall within Five Days after such Notice given, enter into a Recognizance before some Justice of the Peace, within

Notice of Appeal to be given.

Recognizance to be entered into.

within the Riding, Liberty, or Place, where the said Offence was committed, 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 shall, at the then next General Quarter Sessions, be heard and finally determined.

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 removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster.

or be removeable by *Certiorari.*

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, are hereby required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his or their said Office, as to the said Trustees, or any Five or more of them, shall seem meet.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, in every such Case, 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 to be brought

General Issue.

shall and may plead the General Issue, Not Guilty, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in Pursuance and by the Authority, of this Act: And if the same shall appear so to be done, or such Action or Suit shall be brought after the Time before limited for bringing the same, as aforesaid, or shall be brought in any other County, Place or Places, 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

Treble Costs.

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

Publick Act.

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

FINIS.