Anno quinto

Georgii III. Regis.

An Act for amending and widening the Road from the North End of *Old Malton Gate*, in the Town and Borough of *New Malton*, to the Town of *Pickering* in the County of *York*.

WHEREAS the high Road leading from the North End of a Street in the Town and Borough of New Malton, called Old Malton Gate, to and through the Town of Old Malton, and from thence to the Town of Pickering, in the North Riding in the County of York, is in many Parts thereof very ruinous and narrow, and cannot be effectually amended, widened, and kept in Repair, 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, That Preamble.

Truſtees Names.

Sir George Savile, Sir Bryan Stapylton, Sir George Oſborne, Sir Bellingham Graham, Sir George Cayley, Sir George Strickland, Sir Digby Legard, Sir Robert Hyldyard, Sir Griffith Boynton, Baronets; Sir George Montgomery Metham Knight, the Reverend John Fountayne Dean of York, Charles Allanſon, John Addiſon, Richard Ayrton, Luck Anningſon, Ralph Bell the younger, Simon Butterwicke, William Blomberg, John Bower, Gabriel Brooks, Humphry Brooks, Thomas Barſtow, Robert Belt, Robert Bower, Matthew Boynton, Robert Jubb, William Bower, Walter Baldock, Nathaniel Cholmley, William Cholmley, Stephen Croft, Stephen Croft junior, William Coates, Cornelius Cayley, John Conyers, Charles Cottrell, John Cleaver, Edward Cleaver, Thomas Duncombe, John Dealtry, Henry Brewſter Darley, George Maſon Davye, Carey Elwes, Henry Egerton Clerk, Savile Finch, William Fenton, Thomas Fenton, Barnard Foord, Timothy Foord, Thomas Greame, Henry Goddard, John Grimſton, John Hill, James Hebden, the Reverend Nathaniel Hodgſon, Samuel Harding, Clerks; Francis Hodgſon, James Hobſon, Thomas Hayes, William Horncaſtle, James Hebblethwaite, William Harding, Robert Hitching, George Harriſon, Ralph Hardwicke, John Hudſon, Thomas Haſſell, John Knoweſley Clerk, Edwin Laſcelles, Boynton Langley, Barnabas Legard, the Reverend Oſwald Langwith, James Legard, Ralph Lutton, Thomas Lumley Clerk, Lieutenant General John Moſtyn, Markham, Markham, Menythorpe, Thomas Mitchelſon, Harding Mitchelſon, Thomas Mitchelſon the younger, Henry Maſterman, Maſterman, Thomas Moſley, Thomas Martin, Matſon Clerk, Thomas Morton, John Needſon, Iſaac Newton, Richard Nicholſon, Richard Neſs, William Oſbaldiſton, Fountain Wentworth Oſbaldiſton, Anthony Oates, Francis Peirſon, Piper, George Robinſon, John Rickaby, Thomas Robinſon, John Robinſon of Buckton, Thomas Robinſon, William Rickinſon, William Read, Chriſtopher Richardſon, William Saint Quintin, Matthew Chitty Saint Quintin, Richard Simpſon, Thomas Simpkin, William Stephenſon, Richard Shepherd, Conſtantine Phipps, Edmund Morton Pleydell, William Preſton, James Preſton, Richard Parkinſon, Lawrence Sterne Clerk, Tindall Thompſon, William Thompſon, Leonard Thompſon, Luke Thompſon Clerk, William Thompſon, William Turner, Charles Turner, Henry Willoughby, George Watſon, James Worſley Clerk, Thomas Worſley, Andrew Wilkinſon, Geffrey Walmeſley Clerk, Robert Ward, Thomas Wharram, and the

the Borough Bailiff of the said Town and Borough of New Malton, for the time being, shall be, and they and their Successors, to be elected in Manner herein after mentioned, are hereby appointed Trustees for surveying, ordering, altering, amending, widening, and keeping in Repair, the said Road, and also for putting in Execution all other the Powers by this Act given; and that they, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, at any Meeting of the said Trustees, to be had as hereafter is mentioned and directed, shall appoint, shall and may build or erect, or cause to be built or erected, One or more Gate or Gates, Turnpike or Turnpikes, in or cross the said Road hereby intended to be repaired, and also One or more Toll-house or Toll-houses in or upon the same; and shall and may demand, receive, and take, the Tolls 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 so to be erected as aforesaid; that is to say,

Trustees may erect Turnpikes and Toll-houses,

and take Tolls thereat.

The Tolls.

For every Coach, Chariot, Landau, Berlin, Chaise, Calash, Caravan, or Hearse, drawn by Six or more Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Six Pence; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of Thirteen Pence Halfpenny; 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 Four Pence Halfpenny.

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

For every Horse, Mare, Gelding, Mule, or Ass, loaden or unloaden, and not drawing, the Sum of One Penny Halfpenny.

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

And for every Drove of Calves, 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; and the Money so thereby to be raised and collected, shall be, and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned, to and for the amending and keeping in Repair the Road aforesaid, and to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein after-mentioned and directed: And that it shall and may be lawful to and for the said Trustees, or any Five or more of them, or any 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 demand, take, and levy, the Tolls hereby granted and made payable, of or upon any Person or Persons who shall (after Demand thereof made) neglect or refuse to pay the same, by Distress of any Horse or Horses, or other Cattle, Goods, or Chattles, upon which such Tolls are by this Act imposed, or by Distress of any other the Goods and Chattles of such Person or Persons who ought to pay the same, and to detain and keep such Goods and Chattles so distrained, until such Tolls, with the reasonable Charges of Distress and Keeping, shall be paid; and such Person or Persons so distraining, after the Space of Four Days after such Distress made and taken, shall and may sell the Goods so distrained, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Tolls, and reasonable Charges for distraining and keeping the same, shall be deducted and paid.

Tolls vested in the Trustees.

Tolls to be levied by Distress and Sale.

Distress may be sold in 4 Days.

Provided also, and be it further enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, unless he shall, during all the Time he shall so act, be, in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, lying in the said County of York, of the clear yearly Value of Seventy Pounds to his own Use above Reprizes; or shall be Heir Apparent to some Person or Persons having an Estate in the said County of the yearly Value of Two hundred Pounds;

Qualification of Trustees.

Pounds: And if any Person or Persons so made incapable to act for the Causes aforesaid, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, every such Person and Persons, for such Offence, shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons that 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, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed. Penalty on acting if not qualified.

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

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be subject to the Payment of more than One full Toll in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, for passing with the same Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, Ass, or any other Sort of Cattle, through all or any of the Turnpikes to be erected on the said Road, or on the Sides thereof, by virtue of this Act; any thing in this Act to the contrary notwithstanding. Tolls to be paid but Once a Day.

And be it further enacted by the Authority aforesaid, That out of the first Money arising by the Tolls which shall be collected at the Turnpike or Turnpikes so to be erected as aforesaid, or out of such Money which shall be borrowed on the Credit thereof, the said Trustees, or any Seven or more of them, shall in the first Place pay and discharge all the Expences and Charges of procuring and passing this Act of Parliament, and of putting up and erecting such Turnpikes and Toll-houses on the said Road, as they shall think fit; and that from and after paying the said Expences and Charges, then and from thenceforth the Charges of passing this Act to be paid out of the Tolls.

the Money arising by the Tolls which shall be collected at any Turnpike or Turnpikes which shall be then or hereafter erected or set up on the said Road, shall be laid out and applied for and towards the repairing of the said Road, and other necessary Charges attending such Repairs, and to no other Use or Purpose whatsoever.

Penalty on passing thro' private Passage, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall forcibly or wilfully go or pass, with any Horse, Beast, or Carriage, through any Turnpike to be erected by virtue of this Act, without paying the Toll or Tolls by this Act directed to be paid for the same, or shall knowingly or designedly assault, interrupt, or obstruct, any Collector or Person in the collecting or receiving the said Tolls, or in the Execution of his Office of Collector, or shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons any Ticket or Tickets, with an Intent to avoid the Payment of the said Tolls, or any Part thereof; or if any Person or Persons shall take off, or cause to be taken off, any Horse or other Beast from any Carriage, or shall unload any Cattle or Carriage, or having passed through any of the said Turnpikes, shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Road, so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through any of the said Turnpikes, with Intent to evade, or having thereby evaded the Payment of any of the said Tolls, or any Part thereof, or if any Person or Persons shall go or pass with any Horse, Beast, or Carriage, through or over any Land, Ground, or Place, lying by the Side of or near to the said Road, the same not being a publick Highway; or if any Person or Persons owning or occupying any Land, Ground, or other Place, not being a Publick Highway, shall knowingly and willingly permit or suffer any other Person or Persons to go or pass with any Horse, Beast, or Carriage, through or over such Land, Ground, or Place, in Order or with Intent that the Payment of the said Tolls, or any Part thereof, should be avoided or lessened, each and every Person or Persons, in all, every, or any, Manner or Manners aforesaid offending, being thereof convicted on the Oath of One or more Witness or Witnesses, before any One or more Justice or Justices of the Peace for the said North Riding of the County of York (which Oath the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) shall for

or taking off Horses, &c.

to avoid Payment of the Tolls.

every

every such Offence forfeit and pay the Sum of Twenty Shillings to the said Trustees, or any Five or more of them, or to their Treasurer; which Sum, in case the same be not forthwith paid, shall be levied by Distress and Sale of the Offender's Goods, by a Warrant under the Hand and Seal, or Hands and Seals, of the said Justice or Justices, rendering the Overplus to the Owner (if any be) on Demand, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justice or Justices; which said Penalty of Twenty Shillings when recovered, shall go and be applied, One Moiety thereof to the Use of the Informer, and the other Moiety towards amending the said Road.

Reservation of Rights.

Provided always, and it is hereby further enacted and declared, That nothing herein contained shall prejudice, defeat, or incerrupt, the Right or Claim of any Person or Persons, Bodies Politick, or Corporate, to any such Tolls or Duties as have by long Usage been had and lawfully taken upon any Part of the said Road.

Trustees may erect Side-gates,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to erect or cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Road, and cross any Lane or Way leading out of the same; and there to take and receive such Tolls as are by this Act granted and made payable, so as the same do not extend to a Double Charge, in case of passing through any other of the Turnpikes which shall be erected by virtue of this Act.

and take Tolls thereat.

Trustees to appoint Officers,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may and are hereby impowered, by Writing under their Hands, to appoint One or more Collector or Collectors of the said Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors, of the said Road, and such other Officers as the said Trustees, or any Seven or more of them, shall think necessary; and such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any of them, from time to time, to remove, and appoint others in the Room of such of them as shall be removed, or shall die; and may and are hereby authorized and impowered, out of the Monies arising by the Tolls aforesaid, to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such other Per-

and remove them, and appoint others,

and settle Salaries.

son or Persons as shall be assisting to them, or any of them, in or about the repairing or widening the said Road, or any Part thereof, such Salaries, Rewards, and Allowances, for their Attendance, Care, and Service, in those Respects, as to the said Trustees, or any Seven or more of them, shall seem reasonable: And all such Officers and Persons shall, from time to time, as often as thereunto required by the said Trustees, or any Seven or more of them, deliver to such Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall for that Purpose appoint, true and perfect Accounts, in Writing under their respective Hands, upon Oath, (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) of all Monies which he, they, and every of them respectively, shall to that Time have 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, or any of their Hands, to the said Trustees, or any Seven or more of them, or to such Person or Persons as they shall appoint to receive the same; or if any such Officer or Person shall refuse or neglect to give such Account as aforesaid, or shall refuse or neglect to deliver up the Vouchers relating to the same, or to verify the Articles thereof upon Oath, or shall neglect or refuse to pay the Money due on such Account in Manner aforesaid; or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall appoint, within Fourteen Days after being thereunto required by the said Trustees, or any Seven or more of them, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act; in any of the said Cases it shall and may be lawful for any Two or more Justices of the Peace for the North Riding of the County of York, and such Justices upon Complaint thereof being made to them, are hereby required to make Enquiry concerning such Refusal or Default, as well by Confession of the Parties themselves respectively, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath such Justices are hereby required to administer without Fee or Reward): And if any such Officer or Person shall be convicted of any of the Offences aforesaid, such Justices shall and may commit every such Offender to the Common Gaol of the said County or Riding, there to remain without Bail or

Officers to account upon Oath.

Officers refusing to account,

Justices to enquire into the Default,

and commit the Offender,

Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Trustees, or any Seven or more of them, and shall have paid such Composition in such Manner as the said Trustees, or any Seven or more of them, shall appoint (which Composition the said Trustees, or any Seven or more of them, are hereby impowered to make) and until he shall have delivered up such Books, Papers, and Writings aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Seven or more of them. till Payment or Composition made.

Provided always, That as often as any Collector of the said Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Five or more of the said Trustees, though not assembled at a Meeting in pursuance of this Act, by Writing under their Hands, to appoint any other Person to collect such Tolls: And the Person so appointed shall have the same Authority for Recovery thereof as the Person he shall succeed was vested with, until the said Trustees, or any Seven or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls. On Death, or Removal of Trustees, others to be chosen.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, are hereby authorized and 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 and their said Office and Offices, as to the said Trustees, or any Seven or more of them, shall seem meet. Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That no Person shall be capable of holding any Place of Trust or Profit under this Act, who shall keep any Inn, Alehouse, or other publick House of Entertainment, or shall sell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail. No Victualler, &c. to hold any Place of Profit.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Road, and such Person or Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any River or Brook, Waste or Common, of any Parish, Town, Village, or Hamlet, wherein or near which the said Road, or any Part thereof, doth lie, proper and convenient for repairing and amending of the same; and for want of sufficient Gravel, Furze, Heath, Sand, Stone, or other Materials there, to dig, gather, take, and carry away the same in and out of any River, Brook, Waste, or Common, Surveyors may dig Gravel, &c. in Waste Grounds,

Common, of any neighbouring Parish, Town, Village, or Hamlet, without paying any thing for the same, such Surveyor or Surveyors levelling, or causing to be levelled, or sufficiently fenced off, all such Holes and Pits as shall be occasioned by the digging for or taking away such Materials: And where there are not sufficient of such Materials in any such Rivers, Brooks, Commons, or Waste Grounds, as aforesaid, it shall and may be lawful for such Surveyor or Surveyors of the said Road, by Order of the said Trustees, or any Seven or more of them, to dig and gather such Materials in, and carry the same out of, the several Grounds of any Person or Persons (not being the Scite of or Ground whereon any House or Houses stand, or a Garden, Orchard, Yard, Park, or Paddock, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of Ground set apart and used as a Plantation or Nursery for Trees) where any such Materials are or may be found, and from time to time to take and carry away the same, or so much thereof as the said Surveyor or Surveyors of the said Road shall adjudge necessary for repairing and amending the same, paying such Rates or Sums of Money for such Materials, and for the Damages done to the Owners and Occupiers respectively of the Grounds where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as the said Trustees, or any Seven or more of them, shall adjudge reasonable: And in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, touching such Damage as aforesaid, the said Justices of the Peace, at their next General Quarter Sessions to be holden in and for the said Riding, or the major Part of them then present, shall and may adjudge, assess, and finally determine the same, and order the Damages to be paid by the said Treasurer or Treasurers for the time being, out of the Money arising by the said Tolls; from which Determination there shall be no Appeal.

without paying for the same; levelling the Pits.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors of the said Road, 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, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along,

Surveyors to remove Annoyances, &c.

along, or out of, the said Road, to the Prejudice thereof; and to open, scour, or cleanse, any Watercourse or Watercourses, Ditch or Ditches, adjoining to the said Road, or any Part thereof, and make the same as deep and large as they shall think proper and necessary; and to cut down, lop, or top, any Trees, Shrubs, or Bushes, growing in the said Road, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premisses, where such Annoyances shall happen to be, neglect to remove the same, or to cut down and carry away such Trees, Loppings, Boughs, Shrubs, or Bushes, or to open, scour, and cleanse their Watercourse or Watercourses, Ditch or Ditches, as aforesaid, within the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of the said Surveyor or Surveyors, or of the said Trustees, or any Five or more of them; the Charges whereof (to be settled by the said Trustees, or any Five or more of them, by Writing under their Hands) shall be remburſed to the said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down, lop, or top, such Trees, Shrubs, or Bushes, or to remove such other Annoyances as aforesaid: And in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the said Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors as aforesaid, by Warrant or Warrants under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said Riding or Place wherein such Owners or Occupiers shall reside (which Warrant or Warrants the said Justice or Justices are hereby impowered and required to grant) from time to time to levy the said Charge by Distress and Sale of the Goods of the Person so offending as aforesaid, and returning the Overplus thereof (if any be) after deducting the reasonable Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattles shall be so distrained as aforesaid: And if, after the Removal of the said Annoyances, such Person or Persons shall again offend in like Manner, every such Person or Persons so offending, and being thereof convicted upon Oath before any One or more Justice or Justices of the Peace for the said North Riding, shall, for every such Offence, forfeit the Sum of Twenty Shillings, and shall pay the same upon Demand, unto the said Trustees, or any Five or more of them, or their Treasurer for the time being; and in case of Refusal, the same, with reasonable Charges,

the Owners neglecting to remove the same after Notice;

the Charges thereof to be reimburſed to the Surveyor;

to be levied by Diſtreſs and Sale.

Penalty on a Second Offence.

shall be recovered, levied, and applied, as any other Forfeitures incurred by this Act are hereby directed to be recovered, levied, and applied.

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 of the said Road, and such Person or Persons as he or they shall appoint, by Order of the said Trustees, or any Seven or more of them, to make, or cause to be made, Causeways; and to cut and make Ditches and Drains through any Grounds lying contiguous to any Part of the said Road, and to make or erect Bridges or Arches of Brick, Timber, or Stone, upon the said Road, and also to widen any of the narrow Parts of the said Road, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto (not being the Scite of or Ground whereon any House or Houses stand, or Garden, Orchard, planted Walk, Yard, Park, or Paddock, or Avenue to any House, or any Piece or Parcel of inclosed Ground, planted, set apart, and used, as a Plantation or Nursery for Trees) 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 Seven or more of them, shall adjudge necessary for the better amending and keeping the said Road in good Repair; and also to make, or cause to be made, a Road or Way through, over, and along, the adjoining Grounds of any narrow or ruinous Part or Parts of the said Road hereby intended to be repaired (not being the Scite of or Ground whereon any House or Houses stand, or Garden, Orchard, planted Walk, Yard, Park, or Paddock, or Avenue to any House, or any Piece or Parcel of inclosed Ground, planted, set apart, and used, as a Plantation or Nursery for Trees) to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the old, narrow or ruinous Road is repairing, and until such Time as it shall be convenient and safe for Passengers and Carriages to travel and go along the said Road intended to be repaired; making such reasonable Satisfaction to the Owners or Occupiers of such Ground respectively as shall be so laid in or unto the said Road, or through which any such Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be made, or through, over, or along, which such Road or Roads shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged by the said Trustees, or any Seven or more of them:

and make a temporary Road;

making Satisfaction to the Owners.

them: And in case any Difference shall happen between such Owners or Occupiers and the said Trustees, touching such Damages, that then it shall and may be lawful to and for the Justices of the Peace, at some General Quarter Sessions of the Peace to be holden within Six Calendar Months for the said North Riding, or the major Part of them present at such Quarter Sessions, to hear, settle, adjudge, and finally determine the same; but that no Satisfaction shall be made for doing any of the Works aforesaid, upon or through any Wood, Car, or Waste Ground. Justices to determine Differences.

Provided always, That the said Trustees shall, and they are hereby required to cause the said Road to be widened in such Manner, so that the same shall, in all Parts thereof, be Forty Feet wide at the least between the Ditches. Road to be 40 Feet wide.

And be it further enacted by the Authority aforesaid, That in case the said Trustees appointed, or to be appointed, to put this Act in Execution, or any Seven or more of them, shall, from time to time, think proper to widen, turn, or alter, the Way or Path of any Part of the said Road hereby directed to be repaired, for the better Accommodation of Coaches, Carriages, and Passengers; that then it shall and may be lawful to and for the said Trustees, or any Seven or more of them, and they are hereby authorized and impowered, from time to time, to treat for, purchase, contract, and agree, with any Person or Persons, Bodies Politick, Corporate, or Collegiate, that are or shall be Owners, Proprietors, or Occupiers of, or interested in any Lands or Grounds, Tenements or Hereditaments, lying contiguous to or near the said Road, for such Lands or Grounds, Tenements or Hereditaments, or for the Loss and Damage which they, or any of them, shall or may any way receive by such widening, turning, or altering the said Road; and thereupon, and upon Payment of such Sum or Sums of Money so agreed upon accordingly, it shall and may be lawful for the said Trustees, or any Seven or more of them, to take in and add the said Ground or Land, so contracted or agreed for, to the said Road, and to do, or cause to be done, all Things necessary in order thereto. Trustees may contract for the Purchase of Lands to be taken into the Road.

Provided always, That no Person or Persons shall sit or act as a Trustee or Trustees in any Case where he or they are any ways interested in any Lands or Grounds so to be laid into the said Road. Trustees not to act where interested.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Feoffees in Trust,

Trust, or others, who are seised of some Lands or Grounds, Tenements or Hereditaments, which, according to the Powers given by this Act, may be necessary or proper to be taken in, added to, or made Part of the said Road, may be willing to treat and agree to sell such Lands and Grounds, Tenements and Hereditaments, for the Purposes aforesaid, but are incapable of selling, granting, and conveying the same, by reason of Infancy, or other Disability; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Ideots or Lunaticks, and Husbands, or other Trustees whatsoever, for or on Behalf of any Infants, Femes-covert, or Cestuique Trusts, Ideots, Lunaticks, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands or Grounds, Tenements or Hereditaments, to treat, contract, and agree, with the said Trustees, or any Seven or more of them, for Satisfaction to be made them respectively for such their Lands, Grounds, Tenements, or Hereditaments, or any Part thereof, or their Interest therein, for the Purposes aforesaid, and to sell or convey the same, as Occasion shall be or require; and that all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And that all Feoffees in Trust, Executors, Administrators, Guardians, Committees, and Trustees, Corporations Corporate or Collegiate, Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act; and the said Trustees, or any Seven or more of them, are hereby authorized and impowered to pay for such Lands and Grounds out of the Tolls by this Act granted, or out of such Money as shall be borrowed on the Credit thereof, such Sum or Sums of Money as shall be agreed upon between such Owners and Proprietors, and the said Trustees impowered to put this Act in Execution, or any Seven or more of them; and after the said Lands and Grounds, Tenements and Hereditaments, shall be so laid into and made Part of the said Road, the same shall for ever after, to all Intents and Purposes, be esteemed and taken as a public Highway, and

Bodies Politick, &c. impowered to treat.

Lands, &c. purchased to be made Part of the Road,

and deemed a public Highway,

shall

shall be amended and kept in good Repair by such Ways, and in such Manner, as other Highways are amended and kept in Repair by the Laws in being; and after such Purchase as aforesaid, and such new Road shall be made and completed, the Lands and Grounds comprized in or through which the old or former Road did lead as aforesaid, shall or may be sold or disposed of by the said Trustees, or any Five or more of them, to such Person or Persons as shall be willing to become Purchasers thereof, for the best Price that can reasonably be had or gotten for the same; and the Money arising by such Sale shall be applied and disposed of for the repairing and amending the said Road; and the Sale and Conveyance and Conveyances to be made of such Lands and Grounds comprized 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 for the said North Riding, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

and kept in Repair as such.

Old Road may be sold.

And be it further enacted, That if any such Owner or Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Husbands, Guardians, Trustees, Committees, or other Person or Persons, interested in such Lands, Grounds, Tenements, or Hereditaments, upon Ten Days 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 any such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, Tenements, and Hereditaments, so to be taken in and added to the said Road as aforesaid, or into which such Way, Path, or 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 Seven 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, of One, some, or all, of the Parishes in which the said Road doth lie (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 such Lands, Grounds, or Hereditaments, into

Owners neglecting to treat, &c.

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

into the said Road; And in order thereto, the said Trustees, or any Seven or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before them all and every Person and Persons whomsoever, 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 Seven or more of them, shall think fit: And after the said Jury shall have so inquired of, ascertained, and settled such Damages and Recompence, they the said Trustees, or any Seven 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 the said Owners, Occupiers, or Proprietors, of the said Lands, Grounds, Tenements, 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, shall be final, and binding, and conclusive, to all Intents and Purposes, against all Parties or 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 Disability whatsoever, Bodies Politick, Corporate, and Collegiate, as well as 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, Tenements, and Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property, of, in, to, or out of, the same: And for summoning and returning such Jury or Juries, the said Trustees of the said Road, or any Seven or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the said County of York, thereby requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant shall be appointed;

Verdict of the Jury to be final.

Trustees may issue their Warrant to the Sheriff for impanelling a Jury.

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 such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or 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.

Jurors may be challenged.

Provided always, and be it enacted and declared, 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 in the like Manner as any Party in any Action brought or to be brought, depending or to be 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 Seven 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 of, or in any other Matter wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and 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 or to give Evidence or Testimony touching the same.

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

Provided always, That no such Fine shall exceed the Sum of Ten Pounds, upon any One Person for One single Offence; but such Fine shall be levied, recovered, and applied, in such and the like Manner, and to and for such and the like Purposes, as any other Fines or Penalties are by this Act directed to be levied, recovered, and applied.

Fine not to exceed 10 l.

And forasmuch as the Money so to be collected by the Receipts of the Tolls by this Act granted and made payable as aforesaid, will not at present be sufficient for the speedy

Tolls may be assigned for Money borrowed.

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, at their publick Meetings, shall and may, and they are hereby impowered from time to time, by any Writing or Writings, without any Stamp to be impressed thereon, under their Hands and Seals, to assign over the said Tolls arising by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be borne and paid out of such Tolls) for the Term hereby made payable, or for any Part of such Term, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees, for that Purpose, to each Person or Persons, or to his, her, or their, Trustee or Trustees, who shall advance and lend the same, to secure the Repayment thereof, with such Interest as shall be agreed upon; which said Money so to be borrowed shall be applied and disposed of in the First Place to pay off the Charges and Expences of obtaining this Act of Parliament; and the Residue shall be applied and disposed of in such Manner, and for such Purposes, as the said Tolls are by this Act directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Notice to be given of borrowing of Money.

Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees on the Credit of the said Tolls, after their First Meeting, unless Notice for that Purpose be fixed in Writing under the Hand or Hands of the Clerk or Clerks to the said Trustees, upon all the Turnpike-gates erected or to be erected by virtue of this Act, at least Fourteen Days before the borrowing such 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, so to be made by the said Trustees as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers, to the said Trustees; which said Book or Books shall and may be seen and perused at all seasonable Times by any Person or Persons whomsoever, without Fee or Reward.

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 lent and advanced on the Credit, and for the Purposes, mentioned in this Act, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment,

ment to be indorsed on the Back of his, her, or their, Security or Securities, or by any other Writing or Writings under his, her, or their Hands and Seals, to be executed in the Presence of Two or more credible Witnesses, assign or transfer the same Security or Securities, and all Benefit and Advantage thereof, and all his, 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 and notified to the said Clerk or Clerks, Treasurer or Treasurers, appointed or to be appointed by the said Trustees, or any Seven or more of them, within Three Months next after the Date thereof; and such Clerk or Clerks, Treasurer or Treasurers, shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Parties, and Sum of Money, therein mentioned to be transferred, in the said Book or Books to be kept for entering the said Original Mortgage or Mortgages, Assignment or Assignments, made by the said Trustees, and for which such Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Two Shillings, and no more: And after such Entry made, but not otherwise, such Assignment shall intitle such Assignee, or any subsequent Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign again, and so toties quoties: And it shall not be in the Power of any Person or Persons who shall make such Assignment, to make void, release, or discharge, the same, or any Monies thereby due, or any Part thereof.

Exemptions from Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be charged with any of the Tolls aforesaid for passing through any of the Turnpikes to be erected by virtue of this Act, for or in respect of any Horses, Cattle, or Carriages, carrying any Quantities of Stone, Brick, Timber, Wood, Gravel, or other Materials for repairing the said Road, or for amending any of the Highways in the several Townships in which the Road directed by this Act to be repaired doth lie, or going or returning through any of the said Turnpikes for or with Dung, Mould, or Compost, to be laid upon Grounds, arable, meadow, or pasture, or Gardens, within such Townships; nor shall any Toll be demanded or taken by virtue of this Act for any Horses, or other Cattle, Carts, Wains, Waggons, or other Carriages, carrying any

Hay, or Corn in the Straw only, to be laid up in the Houſes, Outhouſes, Barns, or Yards, of or belonging to ſuch Perſon or Perſons as do or ſhall rent or occupy Lands or Grounds within the ſeveral Townſhips in which the ſaid Road doth lie; or for any Ploughs, Harrows, or any other Implements of Husbandry, or any other Things whatſoever belonging to or employed by ſuch Perſon or Perſons reſpectively only in Husbandry, or in manuring or ſtocking of Lands lying within ſuch Townſhips; nor ſhall any of the Tolls aforeſaid be demanded or taken of or from any Perſon or Perſons reſiding in the ſaid Townſhips in which the ſaid Road hereby directed to be repaired doth lie, who ſhall paſs through the ſaid Turnpike or Turnpikes, or Croſs-gates, to or from Church, Chapel, or other Place of Religious Worſhip, on Sundays; or who ſhall attend the Funeral of any Perſon or Perſons who ſhall die, and be buried in any of the ſaid Townſhips in which the ſaid Road doth lie; or for any Horſes, Geldings, Mares, or Cattle, going to or returning from Paſture or Watering-places belonging to ſuch Townſhips, or any of the neighbouring Inhabitants near to the ſaid Road; or for any Poſt-horſes carrying the Mail or Packet; nor ſhall any Toll be demanded or taken for the Horſes of Soldiers paſſing who are upon their March, or for Carts, Carriages, or Waggons, attending them, or loaden with their Arms or Baggage; nor ſhall any Toll be demanded or taken of any Perſon who ſhall be going to or returning from any Election of a Knight of the Shire to ſerve in Parliament for the County of York, for or in reſpect of any Horſes or Carriages on the Day of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin, or ſhall be concluded; or for any Horſes, Carts, or Carriages, travelling with Vagrants ſent by legal Paſſes; nor ſhall any Toll be demanded or taken for any Horſe or Beaſt of Burden loaden with or carrying Corn or Grift to or from any Mill or Mills in any of the Townſhips through which the ſaid Road doth lead.

No Toll to be taken for croſſing the Road only.

Provided alſo, That no Toll ſhall be taken at any Turnpike to be erected by virtue of this Act on the Side of any Part of the ſaid Road hereby directed to be repaired, for any Horſe, Cattle, Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, Chair, Waggon, Wain, Cart, or other Carriage, which ſhall only croſs the ſaid Road: And if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, every

every such Person shall forfeit and pay the Sum of Twenty Shillings.

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

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

Trustees may lessen the Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, are hereby authorized and impowered from time to time to lessen the several Tolls hereby granted and made payable, or any Part or Parts thereof, and to order and direct the same to be collected, received, and taken in such Manner, Parts, and Proportions as they shall think fit, so as such Reduction be no Prejudice to the several Persons who shall have advanced Money on the Credit of the said Tolls, or any of them, or any Person or Persons who at the Time of such Reduction shall have any Money secured thereby, and to raise the said Tolls again, or any Part thereof, so as the same do not exceed the respective Tolls herein before granted; and such Tolls so reduced or raised again shall be collected, levied, recovered, and applied in the same Manner as the Tolls herein before granted are directed to be collected, levied, recovered, and applied.

and to raise them again.

Inhabitants to do Statute-work.

And be it further enacted by the Authority aforesaid, That all the Inhabitants of the Townships, Parishes, and Places in which any Part of the said Road doth lie, and all other Persons liable to perform the Work commonly called Statute-work upon the said Road, shall remain subject to the Performance of such Work; and every Person who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, or upwards, shall be deemed to keep a Team, for every Fifty Pounds per Annum so held and occupied,

occupied, and shall be liable to perform such Statute-work as Persons keeping Teams are obliged by Law to do; and that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes, and Places in which any Part of the said Road doth lie, or in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes and Places, shall yearly and every Year, within Ten Days after Demand made to him or them respectively in Writing by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing, under his or their Hand or Hands, of the Christian and Surname of every Person who within such respective Townships, Parishes, and Places, are liable to do Statute-work, and shall distinguish in such Lists which of such Persons shall, or by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams; and the Statute-work shall be done by all such Persons on such Parts of the Road hereby intended to be repaired as lie within the said respective Townships, Parishes, and Places, in such Manner and at such Times as the said Trustees, or any Five or more of them, or the Turnpike Surveyor or Surveyors shall, from time to time, direct and appoint; and the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor for such Townships, Parishes, and Places respectively, within Seven Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors, of the Time or Times when and how many of such Persons are to do such Work upon any Part or Parts of the said Road, shall give Notice thereof to such Persons; and if any Surveyor, Churchwarden, or Overseer of the Poor for any such Town, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby required and directed, every such Surveyor, or Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds; and every Person who shall neglect or refuse to do such Work at such Times and Places, and in such Manner as shall be appointed by the said Trustees, or any Five or more of them, or by such Turnpike Surveyor or Surveyors, every such Person shall forfeit and pay the respective Sums herein after mentioned; that is to say, Every Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Default for each Team the

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

Penalty on Surveyors neglecting to deliver Lists.

Penalty on Persons not performing Statute-work.

Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep a Team, for every Day's Default the Sum of One Shilling and Six Pence; and every Person who shall, according to such publick Notice as aforesaid, come as a Labourer, or with any Team, to work on the said Road, and be found idle or negligent by the said Turnpike Surveyor or Surveyors, where the Work is to be done, such Surveyor or Surveyors may and is and are hereby required to discharge such Person, and it shall be deemed as if such Person or such Team had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the respective Forfeitures before-mentioned.

Persons found idle to be turned off.

Provided always, That none of the Inhabitants of the Townships of Old Malton and Pickering shall be obliged to do or perform more than Two Days Statute-work in any One Year, upon any Part or Parts of the Road by this Act directed to be repaired; any Law, Custom, or Usage to the contrary notwithstanding.

Inhabitants of Old Malton and Pickering to do but 2 Day's Statute work in a Year.

And be it further enacted by the Authority aforesaid, That the respective Owners or Occupiers of Three several Farms lying within a Place called The Marishes, within the Parish of Pickering aforesaid, now in the several Occupations of Marmaduke Hick, Peter Smith, and Thomas Clifford, as Tenants thereof, shall, and they are hereby respectively required to do and perform Six Days Work, commonly called Statute-work, in every Year, upon such Part of the Road aforesaid as lies within the said Marishes, at such Times, and in such Manner, and upon such Part or Parts of the same Road, as the said Trustees, or any Five or more of them, or the Turnpike Surveyor or Surveyors for the time being, shall order, direct, and appoint: And in case any of the said Owners or Occupiers shall neglect or refuse to do and perform Six Days Statute-work upon the said Road, at the Times and in such Manner as is before directed; every such Owner or Occupier so neglecting or refusing, shall be subject and liable to the same Forfeitures as any other Persons, making Default in the Performance of their Statute-work aforesaid, are subject and liable to.

Statute-work to be done by particular Owners, &c.

Provided always, That the Six Days Statute-work directed to be performed yearly by the said Owners or Occupiers of the said Farms and Lands as aforesaid, shall be in full for all Statute or other Work which they are or shall be liable to do and perform upon the said

Road, by reason of any Tenure of the said Lands, or by any Custom, or otherwise; any Law, Usage, or Custom, to the contrary notwithstanding.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Person or Persons shall think him, her, or themselves, aggrieved by any Thing done in pursuance of this Act, for which no particular Remedy or Method of Relief hath been already hereby directed and appointed; it shall and may be lawful to and for him, her, or them, to appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be held for the said North Riding; or in case the said Cause of Complaint shall arise within Fourteen Days next before such General Quarter Sessions of the Peace; then such Appeal may be to the said Justices at the Second General Quarter Sessions of the Peace to be held for the said Riding, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved; and if they see Cause, shall and may, by Order of such Sessions, mitigate, at their Discretion, all or any of the Penalties and Forfeitures laid on or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty; or otherwise may ratify and confirm the same, with such Costs as to them in their Discretion shall seem reasonable, and to levy by their Order or Warrant such Costs so awarded, by Distress and Sale of the Goods and Chattles of any Person or Persons who shall refuse to obey the same; and for want of sufficient Distress to commit the Party to the Common Gaol for the said County of York, for any Time not exceeding Three Months, or until Payment of such Costs shall be made; but the Person or Persons so appealing as aforesaid, shall, and they are hereby respectively directed to give Notice in Writing to the Treasurer or Treasurers for the time being of the Tolls granted by this Act, of such their Intention of bringing or prosecuting any Appeal, Fourteen Days before the said Quarter Sessions; and shall, within Ten Days after such Notice given, enter into a Recognizance before some Justice of the Peace within the said North Riding, with Two sufficient Sureties, with Condition to try such Appeal at such Quarter Sessions of the Peace as aforesaid; and also, in case such Appeal shall be disallowed, to pay such Costs and Charges as the said Justices shall direct in that Behalf; and every such Appeal

Notice of Appeal to be given.

Recognizance to be entered into.

peal shall, at the then next General Quarter Sessions, be there heard and finally determined.

Penalties and Forfeitures how to be recovered and applied

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed or incurred (touching which no other Provision is herein made) shall be recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the said North Riding; which Warrant or Warrants the said Justice or Justices is and are hereby impowered and required to grant, upon the Information of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall go and be paid to the said Trustees, or any Five or more of them, or to their Treasurer or Treasurers for the time being, and shall by them respectively be applied and laid out (if not otherwise applied and disposed of by this Act) for and towards the amending the said Road.

Proceedings not to be quashed for want of Form;

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

nor removable by *Certiorari*.

Commencement and Continuance of the Act.

And it is hereby further enacted by the Authority aforesaid, That the Tolls and Powers hereby granted and given, shall take Place from and after the First Day of June, One thousand seven hundred and sixty five, and shall be paid and have Continuance from thence, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

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

And it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful for any of the said Trustees, appointed or to be appointed to put this Act in Execution, who is, are, or shall be, in the Commission of

of the Peace for the North Riding of the said County of York, to act as a Justice or Justices of the Peace, in all Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained.

Time and Place of Trustees Meeting

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall meet at the House of John Baldock, being the Sign of the Talbot in New Malton, on Tuesday the Fourth Day of June, One thousand seven hundred and sixty five; and shall then adjourn themselves, and shall afterwards meet at the Place aforesaid, or at any other Place or Places on or near the said Road, as the said Trustees, or any Five or more of them, shall think proper and convenient, as often as it shall be necessary for putting this Act in Execution: And if it shall happen that there shall not appear at any Meeting, which shall be appointed to be held by the said Trustees, a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Day, then, and in such Case, the Clerk to the said Trustees, by Notice in Writing under his Hand, to be fixed on all the said Turnpike-gates to be erected by virtue of this Act, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House where the Meeting of the said Trustees was appointed to have been held, or at some other convenient House on or near the said Road, on that Day Three Weeks on which such Meeting was appointed to have been held; and that the said Trustees, at their First Meeting, and all their subsequent Meetings, shall defray their own Charges and Expences.

In Default of a sufficient Number to act, Meeting to be adjourned, &c.

On Death, or Removal 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, or refuse to act, it shall and may be lawful for the surviving and remaining Trustees, or any Seven or more of them, by any Writing or Writings under their Hands and Seals, from time to time, during the Continuance of this Act, to nominate, elect, and appoint, One or more fit Person or Persons living in the said County of York, in the Room or Place of such Trustee or Trustees dying or refusing to act as aforesaid; and such Person or Persons so nominated, elected, 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 No-

tice of the Time and Place of Meeting for the Election of such Trustee or Trustees shall be given in Writing under the Hand of the Clerk to the Trustees for the time being, to be fixed at or on all the Turnpike-gates which shall be erected by virtue of this Act, at least Ten Days before the Meeting for such Election: And all and every such Person and Persons as shall, from time to time, be chosen and apointed to be joined with such surviving or remaining Trustees, shall and may, and he and they are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees hereby appointed are impowered to act. 10 Days Notice of Election to be given.

And be it further enacted by the Authority aforesaid, That no Person or Persons, appointed or to be appointed by this Act a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of or by reason of any Toll by this Act granted; but such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting and during the Enjoyment of any such Place of Profit. Trustees not to accept of a Place of Profit under this Act.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, and they are hereby required to cause the said Road to be measured, and Stones or Posts to be set up in or near the Sides of the said Road, each Stone or Post at the Distance of One Mile from the other, and upon which shall be denoted the Distance of One Town or Place from any other Town or Place, as to the said Trustees, or any Five or more of them, shall seem meet: And if any Person or Persons shall voluntarily or maliciously break, obliterate, deface, or pull up, any of the said Stones or Posts, and be thereof convicted before any One or more Justice or Justices of the Peace for the said North Riding, such Person or Persons, so offending, shall respectively forfeit and pay the Sum of Forty Shillings for each Stone or Post so voluntarily or maliciously broken, obliterated, defaced, or pulled up, to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Justice or Justices before whom such Conviction shall be made; and such Forfeitures shall be applied in repairing the Stones or Posts so broken or defaced, or in supplying of 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 Road to be measured, and Mile stones erected. Penalty on defacing Mile-stones, to be levied by Distress and Sale.

For want of Distress,

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 Justice or Justices of the Peace aforesaid, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the House of Correction for the said North Riding, there to remain for the Space of One Calendar Month, to be reckoned from the Day of Commitment; and the Person or Persons shall not be discharged until he, she, or they, shall have paid the said Sum of Forty Shillings, or until the Expiration of the said Calendar Month.

the Offender to be committed.

Penalty on hauling Timber otherwise than upon Wheel Carriages.

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

Proceedings to be entered in a Book;

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

which said Books may be read in Evidence.

Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or any 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 of this Act, shall be charged or chargeable with any Stamp Duty whatsoever.

Trustees may lease, &c. the Tolls,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from time to time, by Writing under their Hands and Seals, to demise,

leaſe, and to farm-let, the Tolls by this Act granted, or any Part of ſuch Tolls, to any Perſon or Perſons, from Year to Year, or for any Term of Years, not exceeding Three Years, for the beſt Price ſuch Truſtees can get, payable at ſuch Times, and under ſuch Covenants, as they the ſaid Truſtees, or any Nine or more of them, ſhall think fit; and to be paid to the ſaid Truſtees, or any Nine or more of them, or to ſuch Perſon or Perſons as they, or any Nine or more of them, ſhall appoint to receive the ſame; which Money ſo to be paid ſhall be applied and diſpoſed of as the Tolls granted by this Act are directed to be applied and diſpoſed of, and to no other Uſe or Purpoſe whatſoever. not exceeding Three Years.

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

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

FINIS.