Anno quinto

Georgii III. Regis.

An Act for amending and widening the Road from the City of *York* by *Grimston Smithy*, to *Kexby Bridge*, and from *Grimston Smithy* aforesaid, to a certain Gate at the upper End of *Garraby Hill*, in the County of *York*.

WHEREAS the High Roads leading from the City of York by Grimston Smithy, in the East Riding of the County of York, to Kexby Bridge in the same Riding, and from Grimston Smithy aforesaid, to a certain Gate in the Road between Kirby Underdale and Pocklington, at the upper End of a Place called Garraby Hill, in the said Riding, are 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 Roads 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 Preamble.

Truſtees Names.

Lord Mayor, Recorder, City Counſel, 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; the Lord Viſcount Galway in the Kingdom of Ireland, Robert Manners Eſquire, commonly called Lord Robert Manners; the Honourable Robert Lane, the Honourable Chriſtopher Dawnay, 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, Chriſtopher Appleyard, Teavil Appleton, Robert Appleton, William Agar, William Agar, John Agar, Seth Agar, Andrew Agar, the Reverend William Anderſon Clerk, Francis Boynton, Hugh Bethell, William Bethell, Francis Beſt, Richard Burton, Ralph Burton, Robert Burton, Thomas Broadley, John Broadley, Iſaac Broadley, Edward Burrow, Richard Beatneth, John Bowman, Lewyns Boldero, Henry Barnard, Francis Bealby, John Wood Boynton, James Boreham, Robert Belt, Thomas Barſtow, Godfrey Boſville, Francis Barlow, Thomas Barlow, Gabriel Brooke, Montague Brooke, Humphrey Brooke, John Brough, William Brough, William Berryman, Thomas Lacon Barker, Windham Bowyer, William Boſville, Tomlinſon Bunting, Stephen Buckle, Robert Bewlay, Nicholas Butterfield, Francis Beſt Clerk, Thomas Barker Clerk, Thomas Bowman Clerk, Chriſtopher Spencer Brearey Clerk, Kinſman Baſket Clerk, John Blake Clerk, John Bradley Clerk, William Bowes, Edward Bracken Clerk, Nathaniel Cholmley, William Cholmley, Stephen Croft, Marmaduke Conſtable, John Courtney, James Cooke, James Collins, Charles Croſs, Richard Croſs, Doctor Cotes Clerk, Thomas Conſtable Clerk, John Caley Clerk, William Caley Clerk, Richard Cordukes, Thomas Cordley, Chriſtopher Dawney, Henry Brewſter Darley, Richard Darley, John Dealtry, Edward Dowſett, John Dealtry Clerk, Francis Drake Clerk, John Dunnington, Francis Drake, John Drinkrow, George Maſon Davy, Giles Earle, Eaton Mainwaring Ellerker, Henry Ethrington, Thomas Ethrington, William Ellerker, Lewis Ettii Clerk, Henry Egerton Clerk, the Reverend John Fountayne D. D. Dean of York, Thomas Fairfax, Marmaduke Fothergill, Francis Fothergill, Timothy Foord, Layton Frewen, Robert Fairfax junior, Barnard Foord, Roger Gee, Richard Gee, Chriſtopher Goulton, John Grimſtone, Robert Grimſtone, John Greame, Robert Greame, Thomas Greame, James Grayburne, Henry Goddard Doctor of Phyſick, John Graves,

Ellener Garton, Henry Goodrick Clerk, Robert Darcy Hildyard, Thomas Haſſell, Philip Harland, John Hudſon, James Heblethwaite, William Heblethwaite, Mann Horsfield, John Hutton, John Hill, Randolphus Hewitt, Joſeph Hudſon, James Huſtler, John Harriſon, William Hunter, John Hewitt, Robert Hanſon, Matthew Harland, Matthew Hornſey, Robert Hewitt, John Helme Clerk, Randal Hancock Clerk, William Tuffnell Jolliffe, Peter Johnſon, Robert Jubb, Emanual Jefferſon, John Jarratt, John Johnſton, Samuel Johnſton junior, Clerk, Thomas Jefferſon, Thomas Knoulton, John Kenion, John Knowſly Clerk, Robert Lane, Barnabas Legard, Robert Legard, Luke Lillingſton, Savage Lloyd, Ralph Lutton Boynton, Langley, Francis Loſthouſe, Thomas Leake Clerk, Nathaniel Maiſter, Henry Maiſter, Bacon Morritt, John Sawrey Morritt, Thomas Morley, Henry Maſterman, Philæmon Marſh Clerk, Henry Maſterman junior, Jonathan Midgley, William Meeke, Francis Meeke, Henry Munby, Richard Milner, Robert Midgley Clerk, Francis Matſon Clerk, Thomas Moſley Clerk, Michael Newton, Thomas Norcliffe, Edward Nixon, Marmaduke Nelſon, James Newton, Thomas Norfolk, William Oſbaldeſton, Fountain Wentworth Oſbaldeſton, George Overend, Ralph Pennyman, James Pennyman, Charles Pool, William Pawſon, Francis Pierſon, William Paul, Payler, John Pearſon, Chriſtopher Peake, Robert Potter, Edward Plumpton Clerk, John Preſton Clerk, William St. Quintin, Matthew Chitty St. Quintin, John Robinſon, John Rickaby, Shermar Rookſby, William Read Rudſton Calverley Rudſton, Charles Robinſon, Matthew Remington, Henry Waite Robinſon, John Raper, Arthur Ricard, William Richardſon, James Richardſon, Robert Robinſon Clerk, Charles Radcliffe, Walter-Strickland, William Strickland, John Storr, William Stables, William Sotheran, James Shawe, Richard Sterne, Matthew Smith, Henry Stapleton, Doctor Swinney Clerk, John Seymour, Samuel Spendlove, Joſeph Studholme, William Siddall, Zachary Sugar Clerk, Smith Clerk, John Sarraudde Clerk, Doctor Sykes Clerk, John Simpſon Clerk, James Foſter Tuffnell, Beilby Thompſon, William Thompſon, Leonard Thompſon, Tindall Thompſon, Francis Topham, George Toulſon, William Thornton, Edward Thwing, William Tomlinſon Clerk, William Territt Clerk, Richard Thompſon Clerk, Iſaac Thompſon Clerk, Benjamin Topham Clerk, George Wharton, John Waterfield, James Woodhouſe, Warton Warton, Henry Willoughby, William Waines, Robert Wilberforce, William Wilberforce

junior, Robert Wilberforce, Charles Witty, Thomas Wilson, Edward Wormley, Samuel Watson junior, William Weddall, Thomas Worsly, Joshua Wilson, John Wright, Thomas Watson, Thomas Watson of Arras, Robert Wharram, Thomas Walker, Ralph Wise, William Ward Clerk, Thomas Wakefield Clerk, John Whaley Clerk, Thomas Willen Clerk, Thomas Wilson Clerk, James Worsley Clerk, John Whaley Clerk, Thomas Willan Clerk, Charles Yarbrough, James Young, Ralph Yoward, shall be, and they are hereby nominated and appointed Trustees, for surveying, ordering, amending, widening, and keeping in Repair, the said Roads, 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, shall and may, and are hereby authorized and impowered, to erect and set up, or cause to be erected and set up, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or across, any Part or Parts of the said Roads, or on the Sides thereof, and across any Way or Lane leading into the same; 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 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 Tolls thereat.

Tolls.

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

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

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

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, for passing through any

any Gate between York and Stamford Bridge, or between York and Kexby Bridge, the Sum of One Half Penny; and for passing through the Gate or Gates between Stamford Bridge and the upper End of Garraby Hill, Two Pence.

For every Drove of Oxen or Neat Cattle, for passing through each Gate or Turnpike, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number.

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

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll or Tolls; 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 Duties, together 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, and are, hereby authorized and impowered to sell any 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.

Tolls vested in the Trustees.

Distress may be sold after 4 Days.

Tolls to be paid but Once a Day.

Provided always, That no Person shall be liable to pay more than One full Toll, according to the Rates herein before-mentioned, for passing and 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 any One of the Gates or Turnpikes to be erected by virtue of this Act, but that all and every Person and Persons, after having paid such Toll or Tolls as aforesaid, shall, upon producing a Note or Ticket, Notes or Tickets, denoting such Payment or Payments, afterwards pass with such Cattle or Carriage Toll-free during such Day, to be computed as aforesaid, through the Gate or Turnpike whereat such Toll was paid; which Notes or Tickets the Collectors of the said Tolls respectively are hereby required to give gratis, on the Receipt of the Tolls.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That the Tolls or Duties arising upon or on account of the said Roads between York and Kexby Bridge, and between York and Stamford Bridge, and upon or on account of the said Road between Stamford Bridge and the upper End of Garraby Hill; and the Monies to be borrowed thereon respectively shall from time to time, after Payment of the Charges and Expences of procuring and passing this Act, be applied in erecting and maintaining the Turnpikes and Toll-houses, and of making, repairing, and widening the respective Road or Roads whereon or upon account whereof such Tolls or Monies shall arise or be borrowed, and for defraying the necessary Expences of executing the several Purposes of this Act, upon or in relation to such Road or Roads respectively, and that no Part of the Tolls or Monies arising upon or in respect of the said Roads between York and Kexby Bridge, and between York and Stamford Bridge, or the Monies to be borrowed on the Credit of such Tolls, shall, upon any Account whatsoever be applied or expended in or upon account of making, repairing, and widening, the said Road between Stamford Bridge and the upper End of Garraby Hill, or for executing any of the Purposes of this Act in relation thereto; and that no Part of the Tolls or Monies arising upon or in respect of the said Road between Stamford Bridge and the upper End of Garraby Hill, or the Monies to be borrowed on the Credit of such Tolls, shall, upon any Account whatsoever, be applied or expended in or upon account of making, repairing, or widening, the said Roads between York and Kexby Bridge, and between York and Stamford

ford Bridge, or executing any of the Purposes of this Act in relation to such Roads, but that separate and distinct Accounts shall be kept of the Receipt, Payment, and Application, of such respective Tolls and Monies; and that the said Trustees, or any Five or more of them, shall, out of the First Monies arising by the said Tolls or Duties of the said Roads respectively, or out of such Money as shall be borrowed on the Credit thereof respectively, pay and discharge all the Costs and Expences of procuring and passing this Act, in and by equal Shares and Proportions, allotting One Moiety of such Costs and Expences to each of the said Divisions. Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That no Toll shall be demanded or taken by virtue of this Act, for any Horse or Carriage going with, or for, or returning unladen, having carried any Cloth, Yarn, Corn, Malt, Flour, or Bran, to or from the Mills of the Earl of Egremont at Stamford Bridge, or with or for any Materials for building or repairing the said Mills, or the Dams and Works thereunto belonging; or going for or carrying any Coals from a Coal Yard now in the Occupation of John Bellass, lying on the West Side of Stamford Bridge; any thing contained in this Act to the contrary notwithstanding. No Toll to be taken for going to and from *Stamford Bridge* Mills; or for Coals from the Coal Yard at the Bridge.

Provided also, 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 Gate or Gates which shall be erected on the said Roads, or any of them, by virtue of this Act, with any Horse, Mare, Gelding, Mule, Ass, Waggon, Cart, or other Carriage, which shall carry or draw any Quantity of Stones, Gravel, or other Materials for repairing the said Roads, or for amending any of the Highways in the Parishes or Townships in which the said Roads, by this Act intended to be repaired, or any of them, or any Part thereof, do or 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 or 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 respective Exemptions from Tolls.

tive Roads hereby intended to be repaired do lie; but not to exempt such Hay, Straw, or Corn, from the Payment of such Tolls when conveyed upon the said Roads for Sale, or for any other Purpose than as aforesaid; nor shall any such Tolls be taken or demanded for any Ploughs, Harrows, or other Implements of Husbandry, or any Things whatsoever belonging to, or employed by, such Inhabitants respectively in Husbandry, or in manuring or stocking of Lands within such Parishes, Townships, or Places; nor for any Horses, Mares, Geldings, 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; or for any Carriage the Property of the Occupier of the Mill at Stamford Bridge, and drawn by his own Cattle, carrying Flour from the said Mill: 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 Persons making illegal Claims.

No Toll to be taken for crossing the Road only.

Provided also, That no Toll or Duty shall be taken at any Toll-gate or Turnpike to be erected by virtue of this Act, or on the Side of any Part of the said Roads 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 any of the said Roads.

Penalty on permitting private Passage, &c.

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, or any Sort of Cattle, or any Sheep or Swine, whereby the Payment of any of the Tolls or Duties by this Act imposed 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 for the East

to avoid paying the Tolls,

East Riding of the said County of York (which Oath any such Justice or Justices of the Peace is and are hereby required and 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 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 Justice or Justices of the Peace.

Penalty on passing thro' private Passage, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning or driving any such Coach, Chaise, Chariot, Landau, Berlin, Calash, Chair, Hearse, Waggon, Wain, Cart, or other Carriage; or owning, driving, or riding, on any Horse, Mare, Gelding, Mule, Ass, or any other Sort of Cattle, or owning or driving any Sheep or Swine, 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 the Payment of the Tolls or Duties by this Act imposed, 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 of 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, Mare, Gelding, Mule, Ass, or any other Cattle, chargeable with 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, to be levied and recovered by Distress and Sale of the Offender's Goods and Chattles as aforesaid.

to avoid Payment of the Tolls.

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 to, or returning from,

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 Borough of Beverley, shall pass and repass Toll-free through any Turnpike or Turnpikes which shall be erected in pursuance of this Act, on the Day or Days of such Election or Elections, and on the Day before, and the Day after, such Elections respectively shall begin and be concluded; any thing herein contained to the contrary notwithstanding.

Roads 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 Roads 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 his, her, or their own Confession, or by the Oath of One or more credible Witness or Witnesses, before any One or more of the Justices of the Peace for the said East Riding; 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 of the Peace before whom such Conviction shall be made; such Forfeiture to be applied in repairing the Stones or Posts so broke or defaced, or in supplying new ones in their Stead; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the said Roads: 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 Justices as aforesaid, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the Common Gaol of the said County of York, 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.

Penalty on defacing Mile-stones, &c.

to be levied by Distress and Sale.

For want of Distress, the Offender to be committed.

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 Roads, and to see that the same be repaired, and that the Money by this Act to be raised is duly applied, according to the Orders and Directions of the said Trustees; 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 thereunto 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 East Riding, residing near 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 no Fee or Reward shall be taken; and in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall, by Writing or Writings under their Hands, authorize and impower to receive the same, and shall be disbursed and laid out in amending the said Roads, and for other necessary Purposes relating thereto, according to the true Meaning of this Act, and not otherwise;

Trustees to appoint Officers;

and remove them, and appoint others,

Officers to account upon Oath.

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 or 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 Roads, or any of them, 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 Two or more Juſtices of the Peace for the ſaid City of York, and County of the ſame City, at any Special or other Seſſions to be holden for the ſaid City and County of the ſame City, each of the ſaid Juſtices acting within their reſpective Juriſdictions, ſhall and may make Inquiry 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 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 next 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 or Parties ſo offending to the Common Gaol of the County of York, or to the Common Gaol of the ſaid Riding, or of the ſaid City of York, 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

Officers refuſing to account,

Juſtices to enquire into the Default,

and commit the Offender,

until Payment or Compoſition made.

ſon 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 as they ſhall think juſt and reaſonable.

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

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and all 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 Highways or Roads do lie, as ſhall be proper for repairing and amending the ſaid Roads, 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 Roads ſhall judge neceſſary for repairing and amending the Roads 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 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, or of the City and County of the City of York 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)

without paying for the ſame;

levelling the Pits.

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

making Satisfaction to the Owners.

Juſtices to determine Differences.

Jurisdictions) at their respective General Quarter Sessions, shall and may adjudge, assess, and finally determine, the same.

Surveyors to remove Annoyances, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors, and such Person and 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 any of the said Roads, by any Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said Roads, to the Prejudice thereof; and to cleanse any Ditch or Watercourse adjoining on any of the said respective Roads; and to cut down, lop, or top, any Trees or Bushes growing on the said Roads respectively, 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 the Removal of any of the Annoyances aforesaid, any Person or Persons shall again offend in the like Kind, such Person or Persons so offending, and being thereof convicted upon the Confession of the Person offending, or upon the 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 City of York and County of the same, 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, 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 all reasonable Charges deducted, to the Owner or Owners thereof.

the Owners neglecting to remove the same after Notice;

the Charges thereof to be reimbursed to the Surveyor.

Penalty of a Second Offence.

And

And be it 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 Roads; and to make and erect Arches or Bridges of Brick, Timber, or Stone, upon the said Roads, and to turn and carry the said Road from Grimston Smithy to Garraby Hill aforesaid, through and over a certain fenced Common Pasture, called Helmsley Moor, and to turn and carry any of the said Roads over any Part of any Common or Waste Grounds lying contiguous or near thereto, or through which the said Roads or any of them do 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 Roads 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 Owner or Occupier 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 Justices of the Peace of the said East Riding, or of the said City and County of the City of York respectively, according to the respective Jurisdictions within which such Damages shall happen to be done, at their then next General Quarter Sessions to be holden for the said Riding, or for the said City of York and County of the same City respectively, 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 respective Roads, shall neglect or refuse to scour and cleanse, or cause to be scoured and cleansed, such Watercourse or Watercourses, or to make, or cause to be made, such Ditch or Ditches of such Depth and Breadth, and in such Manner, as the Surveyor or Surveyors, appointed or to be appointed by virtue of this Act, shall, from time to time, judge proper and convenient, after Ten Days Notice shall be given to, or left

Surveyors may make Causeways, &c.

making Satisfaction to the Owners.

Justices to determine Differences.

Owners neglecting to scour their Watercourses, after Notice,

at the usual Place of Abode of, such Owner or Owners, Occupier or Occupiers, for that Purpose; it shall and may be lawful to and for such Surveyor or Surveyors to cause such Watercourse or Watercourses, Ditch or Ditches, to be scoured, cleansed, or made deeper or broader; and by Warrant of any Justice of the Peace for the Jurisdiction wherein 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, when by him, her, or them, demanded.

Surveyors may set Men to cleanse the same,

and levy the Charge by Distress and Sale.

And whereas some Parts of the said Roads may be so narrow or so founderous, that Horses, Coaches, Carts, or Carriages, cannot safely pass along the said Parts of the said Roads 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 or Ways into, through, and out of, any Grounds or Lands lying contiguous to such narrow or founderous Part or Parts of the said Roads (not being the Ground whereon any House shall then stand, or a Garden, Orchard, Park, planted Walk, or Avenue to any House, or Nursery of Trees already planted) to be made use of by all Passengers with Horses and other Cattle, Coaches, Carts, and other Carriages, as a publick Highway, whilst the old Road adjoining thereto shall be repairing, 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 Owners or Occupiers shall or may thereby sustain, as shall be adjudged by the said Trustees, or any Five or more of them, to be just and reasonable; and if any Difference shall happen between the Parties concerned touching the same, such Difference shall be heard, settled, and finally determined by the Justices of the Peace of the said Riding, or of the said City and County of the same respectively, according to the Jurisdiction within which such Damages shall be done, at their respective next General Quarter Sessions, in such Manner as is

Surveyors may make a temporary Road, and widen the narrow Parts of the Road;

making Satisfaction to the Owners.

Justices to determine Differences.

expressed

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 with Persons for the Purchase of Lands, &c. to be laid into the Road, &c.

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 Roads, or any of them, for the better Accommodation of Coaches, Carriages, and Passengers; it shall and may be lawful to 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, and agree, with any Person or Persons for the Purchase of any Lands, Grounds, or Hereditaments, lying contiguous or near to any of the said respective Roads; 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 Roads, or any of them, 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; all which Roads, when widened, turned, or altered, by virtue of this Act, shall be and remain Forty Feet wide at the least, between and exclusive of the Ditches; 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 such Road, in such Manner as the said Trustees, or any Five or more 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 Manner, as other Highways are amended and kept in Repair by the Laws now in being; and after such Purchase shall be made as aforesaid, such Part 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

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

and deemed a publick Highway.

Old Road may be sold.

ſonably got for the ſame; and the Money ariſing by ſuch Sale ſhall be applied and diſpoſed of for the repairing, widening, and amending, the Roads by this Act directed to be repaired; and the Sale and Conveyance or Conveyances, to be made of ſuch Lands and Grounds compriſed in the ſaid old Road, being executed by the ſaid Truſtees, or any Five or more of them, and inrolled amongſt the Records of the Seſſions of the Peace of the ſaid Eaſt Riding, or of the ſaid City of York and County of the ſame, according to the Juriſdiction within which the ſame ſhall lie, ſhall veſt the Property of the ſame Lands and Grounds in the Perſon or Perſons to whom the ſame ſhall be ſo ſold and conveyed, to all Intents and Purpoſes whatſoever.

Bodies Politick, &c. impowered to treat.

And, for the removing all Difficulties which might otherwiſe obſtruct ſuch Contracts; be it 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, 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, and 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 for a fair and valuable Conſideration, 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 whatſoever; 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.

Owners neglecting to treat, &c.

And be it further enacted by the Authority aforeſaid, That if any ſuch Owner, Occupier, Body Politick or Corporate, Husband, Guardian, Truſtee, Committee, 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 Body Politick or Corporate, or at the Houſe of the Tenant in Poſſeſſion of the Lands, Grounds, and Hereditaments, ſo to be taken in,

and

and added to, any of the said respective Roads as aforesaid, or over which any of the said Roads shall be turned or altered as aforesaid, shall neglect or refuse to treat, or shall not agree with such Trustees for the same, or, by reason of Absence, shall be prevented from treating with them for the same; then, and in every such Case, the said Trustees, or any Five or more of them, shall cause to be enquired 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, Occupiers, or other Person or Persons interested, for or upon account of the taking of such Lands, Grounds, or Hereditaments, into the said respective Roads, or any of them: 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 for 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 inquired 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 or Occupiers of the said Lands, Grounds, and Hereditaments, or other Persons interested therein, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and also such 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, having or claiming any Estate or Interest whatsoever in such Lands or Hereditaments in Law or Equity, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick or Corporate,

Jury to settle the Damage and Recompence.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

porate, and all other Person or Persons whomsoever: And all and every such Owners, Occupiers, and all and every Person and Persons any way interested in such Lands, Grounds, and Hereditaments, shall thereby be, from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of, the same: And for the summoning and returning such Jury or Juries, the said Trustees, or 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 to issue their Warrant to the Sheriff, to impanel and summon a Jury.

Provided always, and be it hereby declared and enacted by the Authority aforesaid, That all Persons interested in such Lands or Grounds shall and may have all lawful Challenges against any of the Jurymen to be summoned in pursuance of this Act, as any Party is intitled to upon the Trial of any Issue joined in any Civil Action in any of His Majesty's Courts of Record at Westminster: And the said Trustees, or any Five or more of them, are hereby impowered, from time to time, to set or 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 shall refuse to be sworn on the said Jury; or shall refuse, or wilfully avoid, giving 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 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

Jurors may be challenged.

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

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 nevertheless, that 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, 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. Fine not to exceed 10*l.*

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 Roads; be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven 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 and 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 to 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. Tolls may be assigned for Money borrowed. Notice to be given of borrowing of Money.

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

And

Assignments may be transferred.

And be it further enacted by the Authority aforesaid, That all and every such Person or Persons, to whom any such Mortgage or Mortgages, Assignment or Assignments, shall be made by the said Trustees, or any Seven or more of them, as a Security for any Sum or Sums of Money to be lent or advanced on the Credit, and for the Purposes mentioned in this Act, and who 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, and their Right, Title, and Interest, in or to the Principal and Interest Money thereby secured, or any Part thereof, to any other 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 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, or 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 after 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.

Trustees may lease, &c. the Tolls.

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 think fit, by Order in Writing, to be entered by their Clerk in the publick Book of the said Trustees, demise and let the Tolls and Duties to be collected at any Turnpike Gate or Gates, Toll-bar or Bars, to be erected upon the said Roads, or any of them, for any Term not exceeding One Year on each Demise, for the best 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 Roads are hereby directed to be applied; provided that before any such Demise shall be made,

Ten

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 Roads; and that the Money which ſhall be ſo agreed to be paid for the ſaid Tolls ſhall be made payable, and ſhall be paid, to the ſaid Truſtees, by equal Quarterly Payments; and that the Perſon or Perſons to whom the ſaid Tolls ſhall be ſo let, ſhall always pay down One Quarter's Pay in Advance; and if on any Letting, or Agreement for letting, the ſaid Tolls, or any Part or Parts thereof, 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 Toll ſhall be let, 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 by this Act is directed or provided for the accounting for the ſaid Tolls by the Collectors thereof, or for Money had and received by any Perſon or Perſons and unaccounted for or unpaid, and for levying and recovering the ſame as aforeſaid.

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 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 the ſaid City of York and County of the ſame City, 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.

Penalty on giving or receiving Tickets, &c.

to avoid paying the Tolls.

Provided always, and be it hereby enacted by the Authority aforeſaid, That the ſaid Truſtees hereby appointed, and their Succeſſors, or any Seven or more of them, may, if they think fit, at any Time or Times, during

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

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 lessening of the said Tolls be no Prejudice to any Person who shall advance any Money on the Credit of the said Tolls, or so as the same be made 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, then it shall and may be lawful to and for the said Trustees, or any Seven 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.

Trustees may compound with Parishes, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered, from time to time, as they shall see convenient, to compound and agree for any Term, not exceeding One Year at any One Time, with all or any of the Inhabitants of the several Towns, Parishes, Hamlets, or Places, through which the said respective Roads, or any of them, hereby directed to be repaired do lead, for a certain yearly Sum or Sums, in lieu of all or any of the Tolls and Duties which would otherwise be due by virtue of this Act, for their Carriages of any Kind, Horses, Beasts, or other Cattle, passing through all or any of the Turnpikes to be erected by virtue of this Act; which Composition-Money shall be applied in the same Manner, and for the same Purposes respectively, as the Tolls and Duties hereby granted, and shall be paid Half-yearly in Advance; or, in Default thereof, any Composition or Agreement with the Person or Persons making such Default shall from thenceforth be void.

Lands, &c. chargeable to Repairs, to continue so.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall be construed to be a Discharge of any County, Riding, Division, Hundred, Wapentake, Liberty, Parish, Township, Village, Hamlet, Place, Body Politick, Corporation Aggregate or Sole, private Person or Persons, from the repairing, amending, or maintaining of any Road, Bridge, Causeway, Arch, Drain, or Sewer,

Sewer, which they or any of them respectively have been accustomed, or of Right ought to repair, amend, or maintain, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise howsoever; but that all and every such Road, Bridge, Causeway, Arch, Drain, or Sewer, from time to time, and at all Times hereafter, be maintained, amended, and kept in Repair, by such County, Riding, Division, Hundred, Wapentake, Liberty, Parish, Township, Village, Hamlet, Place, Body Politick, Corporation Aggregate or Sole, or private Person or Persons, as heretofore the same respectively have been, or ought of Right or by Custom to have been, amended, maintained, and kept in Repair; any Thing herein contained to the contrary notwithstanding: And if it shall appear to the said Trustees, or any Five or more of them, that the Rents and Profits of any Lands, Tenements, or Hereditaments, are or shall be liable to be applied and disposed of for the repairing and amending any Part or Parts of the said Roads by this Act directed to be repaired, or any Bridges, Drains, or Sewers, in or near the same, the Possessors or Occupiers of such Lands, Tenements, and Hereditaments, out of which such Rents and Profits shall be issuing, 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 respective Roads, and the Monies to be borrowed on the Credit thereof, are in and by this Act directed to be applied and disposed of.

Persons, &c. chargeable to the Repair of the Roads, 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 said respective Roads hereby intended to be repaired, or any of them, shall still remain chargeable thereto, and shall do their respective Works in the Parishes, Townships, or Places, wherein the said respective Roads do lie, in such Manner as he and they ought to have done before the passing of this Act.

And

Justices to proportion the Statute-work

And for preventing any 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 respective Roads, or any of them, do lead, touching what Proportion of the Statute-work for any Parish or Place ought to be done on the said respective Roads, or any of them, 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 to and for any Two or more of the Justices of the Peace of the said East Riding, or of the said City of York and County of the same, 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 respective Roads aforesaid by the Inhabitants of each or any of the Parishes, Townships, Hamlets, or Places, in which the said respective Roads hereby directed to be repaired, or any of them, do lie.

Surveyors of the Highways to give Notice of the Statute-work to be done on the Roads.

And, to the End that the said Statute-work so to be done on the said respective Roads 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 respective Townships and Districts within which the said respective Roads do 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 as aforesaid, to do and perform such Part of their Statute-work, as shall be appointed to be done by them as aforesaid, on the said respective Roads directed to be repaired by this Act; and all and every such Person and Persons to whom such Notice shall be given, 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 such Work according to such Appointment, and on such Parts of the said Roads 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

Inhabitants to do Statute-work.

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

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, upon Oath, if thereunto required by the said Trustees, (which Oath any Justice of the Peace for the said Riding, or for the said City of York and County of the same, is hereby impowered to administer) of all and every Person or 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 which he or they is or 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, 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 Roads or Highways directed to be repaired by this Act, leading through their 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 Roads or Highways, 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; and all such Penalties shall and may be levied and recovered by Distress and Sale of the Goods and Chattles of the Person or Persons by whom the same shall be respectively forfeited, by Warrant under the Hand and Seal of One Justice of the Peace, within whose Jurisdiction such Part of the said Roads shall lie, in respect whereof such Penalties shall or may be forfeited respectively.

Penalty on Surveyors neglecting to deliver in such Lists;

and on Persons not performing Statute-work.

Penalties to be levied by Distress and Sale.

Provided also, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to

Trustees may compound for Statute Duty.

and for the said Trustees, or any Seven 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 Roads, or with any of the Owners or Occupiers of Lands or Tenements, which are or shall be liable or chargeable towards repairing any Part of the said Roads, 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, so as the several Sums of Money, at and for which such Statute or other Work shall be so compounded, be 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 all Penalties and Forfeitures by this Act imposed, concerning which no other Provision is hereby made, shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hand and Seal of any One Justice of the Peace, within whose Jurisdiction such Penalties and Forfeitures respectively shall be incurred, or such Offenders respectively shall reside; which Warrant or Warrants any such Justice is hereby impowered and required to grant, upon the Information on Oath of One or more credible Witness or Witnesses; and such Penalties and Forfeitures, when recovered, after rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattles (the Charges of such Distress and Sale, and all other incident Charges relating thereto, being first deducted) shall go and be paid to the Treasurer of the said Roads, duly appointed by the said Trustees, and shall be applied and laid out according to the Order of the said Trustees, for and towards the amending the Roads intended to be repaired by virtue of this Act.

Turnpikes, Toll-houses &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 may dispose of such Turnpikes and Toll-houses as they shall think proper; and bring Actions, and prefer Bills of Indictment, against any Person or Persons who shall steal, take

take away, break down, or spoil the same, or any of them.

This Act to continue for 21 Years.

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 fifty five, 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 who are in the Commission of the Peace to 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, such Trustee and Trustees shall and may act as Justice or Justices of the Peace within their respective Jurisdictions, for the effectual putting in Execution the several Authorities and Powers given in and by this present Act, notwithstanding such Justice or Justices is, are, or shall be, a Trustee or Trustees as aforesaid.

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 so often as any Trustee or Trustees shall die, remove, or refuse to act, 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, residing in or near the said East Riding, or in the said City of York, in the Room and Place of such Trustee or Trustees so dying, removing, or refusing to act; 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; so as Notice in Writing of the Time and Place of Meeting for the Election of such new Trustee or Trustees, signed by the Clerk to the said Trustees, be fixed at or on the Turnpike or Turnpikes which shall be erected by virtue of this Act, at least Fourteen Days before any 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, in the Execution of the several Powers herein contained, in as full and ample Manner, to all

Notice of such Election to be given.

Intents

Intents and Purposes, as the said Trustees nominated and appointed by this Act, are hereby authorized and impowered to act as aforesaid.

Qualification of Trustees.

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 of 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 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; but nothing herein contained shall extend to impower any Person to act as a Trustee, with respect to the said Road between Stamford Bridge and the upper End of Garraby Hill aforesaid, unless such Person's Qualification shall lie in the East Riding of the said County of York.

Penalty on acting if not qualified.

Times and Places of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the Trustees aforesaid, or any Five or more of them, shall meet together at the Guild Hall of and within the said City of York, on the Seventh Day of June, One thousand seven hundred and sixty five; and shall then, and from time to time afterwards, adjourn themselves to, and meet at, such Places near the said Roads, as they, or any Five or more of them, shall, from time to time, appoint: And if it shall happen that there should 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 all the Turnpike-gates to be erected by virtue of this Act, at least

In Default of a sufficient Number to act,

Clerk to give Notice of another Meeting.

Ten

Ten Days before any other Meeting, shall appoint the said Trustees to meet at the Place where the then last Meeting of the said Trustees was appointed to be held, on some Day not less than Fourteen Days, nor more than Three Weeks, after such last Meeting; and that the said Trustees, at their first and all 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 Roads, at least Fourteen Days previous to any Meeting to be held for such Purpose.

Trustees to defray their own Expences.

Trustees not to act but at a publick Meeting.

Provided always, and it is hereby declared and enacted, That no Person or Persons appointed, or to be appointed, a Trustee or Trustees for puting 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 Trustee to accept a Place of Profit arising from the Tolls.

Provided also, That no Innholder, Victualler, or Person who shall sell any Spirituous 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.

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

Provided also, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or other Writing whatsoever, made or issued by virtue or in pursuance of this Act, shall be charged or chargeable with any Stamp Duty whatsoever.

Writings to be without Stamps.

Provided also, 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

Persons aggrieved may appeal to the Quarter Sessions.

b

done in pursuance of this Act; it shall and may be lawful to and for such Person or Persons, within the Space of Six Calendar Months after such Grievance, to appeal to the Justices of the Peace at their next General Quarter Sessions to be held for the said East Riding, or for the said City of York and County of the same City, according as the Cause of Complaint shall arise within such Jurisdictions respectively; and such Justices respectively shall, and they 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 so 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 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, shall and may commit the Party to the Common Gaol belonging to the Jurisdictions of such Justices respectively, 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 Fourteen Days Notice, in Writing, to the said Treasurer or Treasurers for the time being, of such their Intention of bringing or prosecuting any Appeal; and shall, within Five Days after such Notice given, enter into a Recognizance before some Justice of the Peace of the Place where such Appeal shall be lodged, with sufficient Sureties, upon 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; or, for want of such Notice as is hereby required, may be adjourned to the next succeeding Quarter Sessions, and there heard and finally determined.

Notice of Appeal to be given.

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;

Proceedings not to be quashed for want of Form.

or,

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. nor removable by *Certiorari*.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby required to take Security by Bond, with One or more sufficient Surety or Sureties, and with such Penalty as they shall think fit, from every Person who shall be appointed to act as Treasurer of the said Roads for the Purposes of this Act, and before he shall enter upon such Office, for the due and faithful Execution of such Office, and for the making a due Account of all Money which shall come to his Hands in respect thereof. Treasurer to give Security.

And be it hereby 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 Cause of such Action or Suit shall have accrued, and not afterwards; and shall be laid or brought in the County of York, or in the County of the City of York, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, 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 be so 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 or Place, 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 shall have appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any Cases by Law. Limitation of Actions. General Issue. Treble Cost.

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. Publick Act.

FINIS.