Anno ſexto

Georgii III. Regis.

An Act for repairing and widening the Road from *Beverley*, by *Molſcroft*, to *Kendell-houſe*; and from *Molſcroft* to *Bainton Balk*, in the County of *York*.



WHEREAS the high Roads leading from a Place called Willas Pump, within the Town of Beverley, in the Eaſt-Riding of the County of York, through the Towns of Molſcroft and Great Driffield, to Kendell-houſe, in the ſaid Riding; and from Molſcroft aforeſaid, to Bainton Balk, in the ſaid Riding, are in a ruinous Condition, and in many Places too narrow, and cannot be effectually amended and widened 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 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 Preamble. Truſtees Names.

Chriſtopher Dawnay, Sir William 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, Sir John Major, Baronets; Sir George Montgomery Metham Knight, Teavil Appleton, Robert Appleton, Hugh Andrew, Francis Boynton, Hugh Bethell, William Bethell, Francis Beſt, Ralph Burton, Robert Burton, Thomas Broadley, John Broadley, Iſaac Broadley, Edward Burrow, Richard Beatniffe, John Bowman, Leuyns Boldero, Henry Barnard, Francis Beilby, Richard Bell, John Wood Boynton, James Boreham, Robert Belt, Godfrey Boſville, William Boſville, Thomas Blackett Boſville, Francis Barlow, Thomas Barlow, Gabriel Brooke, Montague Brooke, Humphry Brooke, John Brough, William Brough, William Berriman, Thomas Lacon Barker, Windham Bowyer, William Boſville, Tomlinſon Bunting, John Bell, Francis Beſt Clerk, Thomas Barker Clerk, Thomas Bowman Clerk, Chriſtopher Spencer Brearey Clerk, Kingſman Baſkett Clerk, John Blake Clerk, Nathaniel Cholmley, William Cholmley, Stephen Croft, Marmaduke Conſtable, John Courtney, James Cooke, James Collins, Charles Croſs, Richard Croſs, Cotes Doctor in Divinity, Thomas Conſtable Clerk, John Cayley Clerk, William Cayley Clerk, Richard Darley, John Dealtry, William Dennifon, Edward Dowſett, John Dealtry Clerk, John Drinkrow, Giles Earle, Eaton Mainwaring Ellerker, Henry Etherington, Thomas Etherington, William Ellerker, Henry Egerton Clerk, the Reverend John Fountayne D. D. Dean of York; Bernard Foord, Roger Gee, Richard Gee, Chriſtopher Goulton, John Grimſton, Robert Grimſton, John Greame, Robert Greame, Thomas Greame, James Grayburn, Elliner Garton, Henry Goodrick Clerk, Robert Darcy Hildyard, Thomas Haſſel, Philip Harland, John Hudſon, James Hebblethwaite, William Hebblethwaite, Mann Horsfield, John Hutton, John Hill, Randolphus Hewit, Joſeph Hudſon, James Huſtler, William Hunter, John Hewit, Mathew Harland, John Holme Clerk, Randal Hancock Clerk, William Tuffnell Jolliffe, Peter Johnſon, Emanuel Jefferſon, John Jarratt, John Johnſton, Samuel Johnſton junior, Clerk; Thomas Knoulton, Robert Knowſley, John Knowſley Clerk, Robert Lane, Barnabas Legard, Luke Lillingſton, Savage Lloyd, Ralph Lutton, Boynton Langley, Edward Lee, Thomas Leake Clerk, Nathaniel Maiſter, Henry Maiſter, Bacon Morritt, John Sawrey Morritt, Thomas Morley, Henry Maſterman, Henry Maſterman junior, Jonathan Midgley, William Meeke, Francis Meeke, Henry Munby,

Munby, Richard Milner, Robert Midgley Clerk, Francis Matſon, Thomas Moſley, Clerks; Michael Newton, Thomas Norcliffe, Edward Nixon, Marmaduke Nelſon, James Newton, William Oſbaldeſton, Fountayne Wentworth Oſbaldeſton, George Overend, Ralph Pennyman, James Pennyman, Charles Pool, Francis Peirſon, William Paul, Thomas Payler, Thomas Peirſe junior, Edward Plumpton Clerk, William Saint Quintin, John Robinſon, John Robinſon, John Rickaby, Shermar Rookſby, William Read, Rudſton Calverley Rudſton, Charles Robinſon, Mathew Remington, Henry Waite Robinſon, John Raper, Arthur Ricard, Henry Rouſby, William Richardſon, William Rickinſon, Walter Strickland, William Strickland, John Storr, William Stables, William Sotheron, James Shawe, Richard Sterne, Mathew Smith, Henry Stapylton, Swinney D. D. John Seymour, Samuel Spendlove, Joſeph Studholme, Zachary Sugar Clerk, Smith Clerk, John Sarraude Clerk, Mark Sykes D. D. George Forſter Tuffnell, Beilby Thompſon, William Thompſon, Leonard Thompſon, Tindal Thompſon, Francis Topham, George Toulſon, John Taylor, William Territt Clerk, Richard Thompſon Clerk, Iſaac Thompſon Clerk, Benjamin Topham Clerk, Warton Warton, Henry Willoughby, William Waines, William Wilberforce, William Wilberforce junior, Robert Wilberforce, Charles Witty, Thomas Wilſon, Edward Wormley, Samuel Watſon junior, William Weddall, Thomas Worſley, Joſhua Wilſon, Thomas Watſon of Arras, Robert Wharram, Thomas Walker, Ralph Wiſe, William Ward Clerk, Thomas Wakefield Clerk, John Whaley Clerk, James Worſley Clerk, Charles Yarbrough, James Young, and Ralph Yoward, **ſhall be, and they and their Succeſſors to be appointed, in Manner herein aftermentioned, are hereby 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, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, ſhall and may erect, or cauſe to be erected, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or croſs any Part or Parts of the ſaid Roads, or on the Sides thereof, and croſs any Lane or Way leading into the ſame; and ſhall and may from time to time remove the ſaid Gate or Gates, Turnpike or Turnpikes, to any other Part of the ſaid Roads, as they ſhall ſee convenient; and alſo ſhall and may erect, or cauſe to be erected, a Toll-houſe or Toll-houſes, in or**

Truſtees may erect Turnpikes and Toll-houſes, &c.

and take the following Tolls thereat.

upon the same; and shall and may demand, receive, and take the Tolls and Duties following, before any Horse, Mare, Gelding, Ox, Mule, Ass, Cattle, Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Caravan, Hearse, Litter, Waggon, Wain, Cart, Dray, or other Carriage whatsoever, shall be permitted to pass through any of the said Gates or Turnpikes (that is to say,)

The Tolls.

For every Coach, Chariot, Landau, Berlin, Hearse, Litter, Chaise, Caravan, 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 Nine Pence.

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

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

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

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

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

Tolls vested in the Trustees.

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of or as a Toll or Duty; and the Money so thereby to be raised and collected is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, disposed of, or assigned, to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein after appointed and directed: And it shall be lawful 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

Tolls to be levied by Distress and Sale.

their Hands, ſhall, from time to time, nominate and appoint, to demand and take the Tolls and Duties hereby granted and made payable, and to raiſe and levy the ſame 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 Tolls or Duties, with the reaſonable Charges of making and detaining ſuch Diſtreſs or Diſtreſſes ſhall be paid: And in caſe any ſuch Toll or Duty, for which any ſuch Diſtreſs ſhall be made, together with the Charges of making the ſame, ſhall not be paid within the Space of Four Days after ſuch Diſtreſs made, ſuch Perſon or Perſons ſo diſtraining may, and is hereby authorized and impowered to ſell the Horſes, Cattle, Goods, and Chattles, ſo diſtrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after ſuch Tolls and Duties, and all reaſonable Charges of diſtraining, keeping, and ſelling, ſuch Diſtreſs and Diſtreſſes, ſhall be deducted and paid.

Diſtreſs may be ſold after 4 Days.

Provided always, That no Perſon ſhall be liable to pay more than 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 at which 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.

Tolls to be paid but Once a Day.

And be it further enacted by the Authority aforeſaid, That the Tolls or Duties ariſing upon or on account of the ſaid Roads, and the Monies to be borrowed upon the ſame, ſhall, from time to time, after Payment of the Charges and Expences of obtaining and paſſing this Act, be applied in erecting and maintaining the Turnpikes and Toll-houſes, and of making, repairing, and widening,

Application of Monies.

ing,

ing, the said Roads, upon which, 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; and that the said Trustees, or any Five or more of them, shall, out of the first Money arising by the said Tolls or Duties, or out of such Money as shall be borrowed on the Credit thereof, pay and discharge all the Costs and Expences of obtaining and passing this Act.

Exemptions from Tolls.

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, not sold or disposed of, but to be laid up in the Houses, Out-houses, Garths, or Barns, of or belonging to the respective Owners thereof, being Inhabitants of the several Parishes, Townships, or Places, in which the said respective Roads hereby intended to be repaired do lie; nor shall any such Tolls be taken or demanded for any Ploughs, Harrows, or other Implements of Husbandry, or any thing 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: And if any Person

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 of making illegal Claims.

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 the said Roads. No Toll for crossing the Road.

And be it further enacted by the Authority aforesaid, That if any Owner or Occupier of any Land or Tenement which shall adjoin or lie 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, Ground, 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 or Persons so offending, and being thereof convicted upon Oath before any One or more Justice or Justices of the Peace for the East-Riding of the County of York aforesaid, or the said Town of Beverley respectively, (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, shall with any such Coach, Chaise, Chariot, Landau, Berlin, Calash, Chair, Hearse, Waggon, Wain, Cart, or other Carriage, or with any Horse, Mare, Gelding, Mule, and on going thro' or permitting private Passage, &c.

Mule, Ass, or any other Sort of Cattle, or with any Sheep or Swine, go or pass through any Gate, Passage, Ground, or other Place near to the said Roads, or any such Turnpike, Gate, or Bar, the same not being a common Road, whereby the Payment of the Tolls or Duties by this Act imposed, or any of them, shall be evaded; or if any Person or Persons shall unload, or cause to be unloaden, 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 the said Tolls or Duties, or any of them, whereby the Payment of any of the said Tolls shall be evaded, 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.

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 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; or of a Burgess or Burgesses to serve in Parliament for the Borough of Scarborough, 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 on the same, or in or near the Sides thereof,

thereof, at the Distance of One Mile each from the other, in order to mark the Distances of one Town or Place from any other Town or Place, as to the same 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, or Town of Beverley respectively; 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 Forfeitures to be applied in repairing the Stones or Posts so broke or defaced, or in supplying new Ones in their Stead; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the said Roads; and in case the Person or Persons so offending and convicted shall have no Goods or Chattles, then it shall be lawful for any One or more of such Justices as aforesaid, by Warrant under the Hand and Seal, or Hands and Seals, of the Justice or Justices as aforesaid, to commit such Person or Persons to the Common Gaol of the said East-Riding, for the Space of One Calendar Month, and he, she, or they, shall not be sooner discharged, unless he, she, or they, pay the said Sum of Forty Shillings.

Penalty on defacing Milestones;

to be levied by Distress and Sale.

For want of Distress, the Offenders 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 of the said Roads, and to see that the same be repaired, and that the Money by this Act to be raised be 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 puting this Act in Execution, and, from time to time, may remove such Collectors,

Trustees may appoint Officers;

and remove them, and appoint others.

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 or Perſons ſo appointed as aforeſaid, ſhall upon Oath (if thereto required by the ſaid Truſtees, or any Five or more of them) before the ſaid Truſtees, or any Five or more of them, or before One or more Juſtice or Juſtices of the Peace for the ſaid East-Riding, or Town of Beverley reſpectively, 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 Oath 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; 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 to be amended and repaired, by advancing and 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,

Officers to account upon Oath.

Truſtees to allow Officers Salaries.

veyor, 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 a Special or other Seſſions, to be holden for the ſaid Riding, or any Two or more Juſtices of the Peace, for the ſaid Town of Beverley, and Liberties thereof, at any Special or other Seſſions to be holden for the ſaid Town and Liberties, each of the ſaid Juſtices, acting within their reſpective Juriſdictions, ſhall and may make Enquiry in a ſummary Way, 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, it ſhall be lawful 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 Town of Beverley, according to the reſpective Juriſdictions of ſuch Juſtices before whom ſuch Conviction ſhall be made, there to remain without Bail or Mainprize, until he or they ſhall have made a true and perfect Account and Payment as aforeſaid, or until he or they ſhall have compounded and agreed with ſuch Truſtees, and ſhall have paid ſuch Compoſition to ſuch Perſon as ſuch Truſtees, or any Five or more of them, ſhall appoint to receive the ſame; which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby impowered to make, as they ſhall think juſt and reaſonable.

Officers refuſing to account,

Juſtices to enquire into the Default,

and commit the Offender,

until Payment or Compoſition be made.

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 Highway or Roads do lie, as ſhall be proper for repairing and amending the ſaid Roads, without paying any Thing for the ſame; ſuch

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

without paying for the ſame;

levelling the Pits. 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 and 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 Town of Beverley reſpectively (according as the Grounds where and from whence ſuch Materials ſhall be digged, gathered, and carried away, or where ſuch Damage ſhall be done as aforeſaid, ſhall happen to lie within their reſpective Juriſdictions) at their reſpective General Quarter Seſſions, ſhall and may adjudge, aſſeſs, and finally determine the ſame.

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

making Satisfaction to the Owners.

Juſtices to determine Differences.

Surveyors may remove Annoyances, &c. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful 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 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

and cut down Trees,

any Trees or Buſhes growing on the ſaid Roads, 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 of the ſaid Eaſt-Riding, or for the ſaid Town of Beverley, according as the Offence ſhall happen to be committed within their reſpective Juriſdictions (which Oath the ſaid reſpective Juſtice or Juſtices is and are hereby impowered to adminiſter) ſhall, for every ſuch Offence, 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 to be reimburſed the Surveyor.

Penalty of a Second Offence.

And be it enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, by Order of the ſaid Truſtees, or any Five or more of them, to make, 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 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

Surveyors may make Cauſeways, &c.

making Satisfaction to the Owners.

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 Town of Beverly 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 Town of Beverley 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 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 at the uſual Place of Abode, of ſuch Owner or Owners, Occupier or Occupiers, for that Purpoſe, it ſhall be lawful 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.

Juſtices to determine Differences.

Owners neglecting to ſcour their Watercourſes, after Notice,

Surveyors may cleanſe them,

and levy the Charges 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 may make a temporary Road,

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 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 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 Town of Beverley respectively, according to the Jurisdiction within which such Damages shall be done, at their respective next General Quarter Sessions, in such Manner as is expressed, with respect to the Damages to be done by making Causeways, cutting of Drains, and erecting Arches and Bridges, as aforesaid.

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

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, for the better Accommodation of Coaches, Carriages, and Passengers; it shall be lawful 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 the said Roads, and for the Loss or Damage the Owners, Proprietors, or Occupiers thereof, or any of them, shall or may anywise sustain by such widening, altering, or turning such Roads, or any of them, and to pay for the same out of the 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

Trustees may contract for the Purchase of Lands to be laid into the Roads.

terested 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 of them, shall think convenient, with proper Drains, Ditches, and Fences, for that Purpose; and shall from thenceforth be esteemed and taken as a publick and common Highway, and as such shall be amended and kept in Repair, by such Ways and Means, and in such Manner, as other Highways are to be 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 shall lead to some Village, Town, or Place, to which such new Road shall not lead, shall be vested in, and shall and may be sold and disposed of by the said Trustees, or any Five or more of them, to any Person or Persons, for the best Price that can be reasonably got for the same; and the Money arising by such Sale, shall be applied and disposed of for the repairing, widening, and amending the 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 Town of Beverley, 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 sold and conveyed, to all Intents and Purposes whatsoever.

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

and esteemed a publick Highway.

Old Road may be sold.

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, and 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

Bodies Politick, &c. may treat for the Sale of such Lands.

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.

Perſons 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 added to, the ſaid Roads as aforeſaid, or over which 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 inquired 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 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 require, to ſummon and call before them all and every Perſon and 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

Jury to ſettle the Damage and Recompence.

Witneſſes may be ſummoned, and examined upon Oath.

Two

Two or more of them, are hereby impowered and required to administer) and they shall also order and cause the said Jury to view the said Places in Question, and to use all other lawful Ways and Means, as well for their own as the said Jury's Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have so 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; and also such Judgement, Order, and Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whatsoever, 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, 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, or 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

Verdict of the Jury to be final.

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

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 hereby declared and enacted by the Authority aforesaid, That all Persons interested in such Lands or Grounds, shall and may have all such 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 Deputy or 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 in any other Matter wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and also on any of the Persons who, being required to give Evidence or Testimony before the said Jury touching the Premisses, shall refuse to be examined to give Evidence or Testimony touching the same; provided nevertheless, that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One single Offence; and such Fines 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.

Trustees may impose Fines upon Sheriff, &c. making Default in the Premisses.

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

Tolls may be assigned for Money borrowed.

the same, in order to secure the Re-payment 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 the first Meeting held by virtue of this Act, unless Notice in Writing, under the Hand of the Clerk of the said Trustees, be for that Purpose fixed upon all the Turnpike-gates which shall be erected by virtue of this Act, at least Fourteen Days before the borrowing of such Money; and the Costs and Charges of making such Mortgage or Assignment, shall be paid out of the Tolls and Duties so to be mortgaged or assigned.

Notice to be given of borrowing Money.

Proceedings to be entered in Books.

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, 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 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 or 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 Calendar Months next after the Date thereof, to the Clerk or Treasurer appointed, or to be appointed by virtue of this Act, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Parties Names, and the Sum of Money therein

Entries of all Assignments to be made.

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. Clerk's Fee.

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 lett 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 said Roads are hereby directed to be applied; provided that before any such Demise, 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 lett, shall always deposit 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 Tolls shall be lett, shall be liable to account for the same, and to have the same levied and recovered upon and of him and them, by the same Means, and in the same Manner, as 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 and unpaid, and for levying and recovering the same as aforesaid. Trustees may lease, &c. the Tolls.

And,

Penalty on giving or receiving Tickets, &c.

And, for the preventing fraudulent Contrivances to avoid the Payment of any of the said Tolls or Duties, be it further enacted by the Authority aforesaid, That if any Person or Persons having paid the Toll or Duty by this Act required to be paid, and having such Note or Ticket, Notes or Tickets, as is and are hereby directed to be given, shall give or dispose of the same to 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 Tickes, 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 Town of Beverley, as the Offence shall happen to be committed in their respective Jurisdictions (which Oath the said Justice or Justices respectively is and are hereby impowered to administer) shall severally 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.

Trustees, with Content of Creditors, may lessen 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 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 Travellers.

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

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, 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, shall, 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 the said Trustees, or any Five or more of them, by Warrant under their Hands and Seals, 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 Roads, and the Money to be borrowed on the Credit thereof, are in and by this Act directed to be applied and disposed of.

Persons liable to the Repair of the Roads, &c. 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, 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 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 Town of Beverley, within their respective Jurisdictions, at any Petty or Special Sessions of the Peace, upon Application made to them by the said Trustees, or any Five or more of them, to adjudge and determine what Part or Proportion of the Statute-work shall be done in the 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.

Justices to proportion the Statute-work.

And, to the End that the Statute-work so to be done on the said respective Roads as aforesaid may be duly performed; be it enacted by the Authority aforesaid, That the several and respective Surveyors of the Highways, for the time being, of the several respective Townships and

Surveyors of the Highways to deliver in Lists of Persons chargeable with Statute-work.

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 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 Town of Beverley, 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 as aforesaid, shall forfeit and

Penalty on Surveyors neglecting to deliver Lists.

Penalty on Persons not performing Statute-work.

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 as aforesaid respectively.

Persons found idle to be turned off.

Provided also, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any 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 and other Work shall be so compounded, be paid down at the respective Times of making such Compositions.

Trustees may compound for Statute-work.

And be it further enacted by the Authority aforesaid, That when any Penalties or Forfeitures by this Act imposed, shall be incurred (except such as are by this Act otherwise particularly directed to be recovered) then, upon Complaint and Proof thereof made to any Justice of the Peace of the Riding or Place where such Penalty or Forfeiture shall be incurred, by or on the Oath or Oaths of One or more Witness or Witnesses, such Justice may, and is hereby required, to issue his Warrant or Warrants, under his Hand and Seal, for the apprehending and bringing such Person or Persons, before him or some other Justice of the Peace of the said

Penalties and Forfeitures how to be recovered and applied.

Riding or Place, to answer the Matter of the said Complaint or Complaints; and the Justice before whom such Person or Persons shall be so brought, or if the said Person or Persons cannot easily be met with or found, then, upon leaving a Summons, from and under the Hand and Seal of such Justice, which he is hereby in such Case required to issue, at the last and usual Place of Abode of such Person or Persons, thereby setting forth the Nature of the said Complaint or Complaints, and appointing a Time and Place for the said Person or Persons to appear and answer the same before such Justice, such Summons being so left Three clear Days before the Time appointed for such Appearance; such Justice, even if the said Person or Persons being so summoned shall not appear, may, and is hereby required to enquire into the Causes and Matters of the said Complaint or Complaints, in a summary Way; and either by the Confession of the said Person or Persons, or on the Evidence of One or more Witness or Witnesses on Oath as aforesaid, if he shall see Cause, convict the said Person or Persons of such Offence or Offences, and in the Penalties or Forfeitures by him or them respectively incurred in those Respects; and for Nonpayment thereof, though the same shall not be demanded, shall issue a Warrant or Warrants, under his Hand and Seal, for levying the same Penalties or Forfeitures by Distress and Sale of the Goods and Chattles of such Offender or Offenders, rendering the Overplus, if any there shall be after Payment of such Penalties and Forfeitures, and the Charges of the said Distress and Sale, to the said Offender or Offenders respectively, upon Demand; and for want of such Distress for those Purposes, shall issue a Warrant or Warrants, under his Hand and Seal, for the apprehending and taking such Offender or Offenders respectively, and for committing him or them to the Common Gaol of the County, Riding, or Place, where he, she, or they, shall be so apprehended, there to remain without Bail or Mainprize, until the said Penalties or Forfeitures, and Charges, or the Arrears thereof, shall be paid; or until such Offender or Offenders shall have compounded for the same with the said Trustees, and paid such Composition to them; and which said Composition the said Trustees, or any Five or more of them, are hereby impowered to make and receive, and upon Receipt thereof, to discharge the said Offender or Offenders from the said Penalties or Forfeitures and Charges; and all Penalties and Forfeitures by this Act imposed, other than and except such or such Parts thereof as are by this Act otherwise directed to be paid, shall be paid to

the said Trustees, and shall be by them applied in the Repair of such Part of the said Road, in respect whereof such Penalties or Forfeitures respectively shall be incurred, in like Manner as other the Monies to be raised by virtue of this Act, are hereby directed to be applied.

Property of Turnpikes, &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right, Interest, and Property, of all the Turnpikes and Toll-houses which shall be erected by virtue of this Act, shall be vested in the Trustees appointed, or to be appointed, to put this Act in Execution; and that they, or any Five or more of them, at any of their Publick Meetings, shall and 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 away, break down, or spoil the same, or any of them.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and all the Powers hereby granted and given, shall take Place from and after the passing of this Act, 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 Town of Beverley, 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 Town of Beverley, 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

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

Notice of Election to be given.

Provided also, and be it further enacted, That no Person shall be capable of acting as a Trustee in any Case for putting this Act in Execution, unless he shall be, in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Seventy Pounds, lying in the said East-Riding, above Reprizes; or shall be Heir Apparent to some Person having an Estate of the yearly Value of Two hundred Pounds, lying in the said East-Riding: 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 shall 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.

Qualification of Trustees.

Penalty on acting if not qualified.

And be it further enacted by the Authority aforesaid, That the Trustees aforesaid, or any Five or more of them, shall meet together at the House known by the Sign of the Tiger in Beverley aforesaid, on the First Thursday in May, One thousand seven hundred and sixty six, and shall then, and from time to time afterwards, adjourn themselves to, and meet at such Places near the said Road as they, or any Five or more of them, shall from time to time appoint; and if it shall happen that there

Times and Places of Trustees Meeting.

In Default of a sufficient Number to act,

there shall not appear at any Meeting which shall be appointed by the said Trustees, a sufficient Number of the said Trustees to act at such Meeting, and to adjourn to another Day, or in case the Trustees at any Time so assembled shall omit or neglect to adjourn themselves; then, and in every such Case, the Clerk to the said Trustees, by Notice in Writing under his Hand, to be fixed on the Market-cross in Beverley aforesaid, and on all the Turnpike-gates erected by virtue of this Act, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House where the last Meeting of the said Trustees was appointed to be held, on that Day Fortnight on which such last Meeting of the said Trustees was appointed to be held; and that the said Trustees, at their First and at their subsequent Meetings, shall defray their own Charges and Expences; and that all Orders and Determinations of the said Trustees in Execution of this Act, shall be at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein, nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless the Number of Trustees revoking or altering the same, shall exceed the Number of Trustees by whom such Order was made, and unless the Person or Persons applying to revoke or alter any such Order, shall give Notice in Writing to the Clerk of the said Trustees, to be by him fixed upon all the Turnpike-gates then standing upon the said Roads, at least Fourteen Days previous to any Meeting to be held for such Purpose.

Clerk to give Notice of another Meeting.

Trustees to defray their own Expences

Trustees not to accept of a Place of Profit under this Act,

Provided always, and it is hereby declared and enacted, That every Person and 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 any Place of Profit under this Act.

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

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

Writings to be without Stamps.

Provided also, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by any Trustee

or

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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 and Authorities hereby vested in such Trustee or Trustees, or Justice or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Person shall think him or herself aggrieved by any thing done in pursuance of this Act, it shall and may be lawful to and for such Person, within the Space of Six Calendar Months, to appeal to the Justices of the Peace, at their next General Quarter Sessions to be held for the Riding, Liberty, or Place, wherein the Cause of Complaint shall arise, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved in a summary Way; and if they see Cause, shall and may, by Order of such Sessions, mitigate at their Discretion all or any of the Penalties or Forfeitures laid on, or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Party or Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them in their Discretion shall seem reasonable; and to levy by their Order or Warrants such Costs so awarded, by Distress and Sale of the Goods and Chattles of any Person who shall refuse to obey the same; and for want of such sufficient Distress, to commit the Party to the Common Gaol of the said East-Riding, for any Time not exceeding Three Calendar Months, or until Payment of such Costs shall be made; and all Persons so appealing as aforesaid shall, and they are hereby directed to give Notice in Writing to the said Treasurer or Treasurers for the time being, of such their Intention of bringing or prosecuting any Appeal, Fourteen Days before the said Quarter Sessions; and shall, within Five Days after such Notice given, enter into a Recognizance before some Justice of the Peace within the Riding, Liberty, or Place, where the said Offence was committed, with sufficient Sureties, with Condition to try such Appeal at the Quarter Sessions of the Peace which shall be held next and immediately after the bringing such Appeal, and every such Appeal shall, at the then next General Quarter Sessions, be heard and finally determined.

Notice of Appeal to be given.

Recognizance to be entered into.

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 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.

not removeable by *Certiorari*.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby required to take Security by Bond, with One or more sufficient Surety or Sureties, and with such Penalties 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.

Limitation of Actions.

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

General Issue.

Treble Costs.

Publick Act.

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

FINIS.