Anno ſeptimo

Georgii III. Regis.

An Act to repair and widen the Road from *White Croſs*, to the Town of *Bridlington*, in the Eaſt Riding of the County of *York*.



WHEREAS the high Roads leading from White Croſs, in the Pariſh of Leven, through Brandſburton, Beeford, Liſſet, and Barmſton, to Bridlington, in the Eaſt Riding of the County of York, 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, Preamble.

Truſtees Names.

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 Dawney, 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 Bethel, William Bethel, Francis Beſt, Ralph Burton, Robert Burton, Thomas Broadley, John Broadley, Iſaac Broadley, Richard Beatniffe, John Bowman, Leuyns Boldero, Henry Barnard, Francis Beilby, Richard Bell, John Wood Boynton, Robert Belt, Godfrey Boſville, William Boſville, Thomas Blackett Boſville, Francis Barlow, Thomas Barlow, Gabriel Brooke, Montague Brooke, Humphrey Brooke, William Brough, William Berriman, Thomas Lacon Barker, John Windham Bowyer, Tomlinſon Bunting, John Bell, Francis Beſt Clerk, Thomas Barker Clerk, Thomas Bowman Clerk, Chriſtopher Spencer Brearey Clerk, Kingſman Baſket Clerk, John Blake Clerk, Nathaniel Cholmley, William Cholmley, Stephen Croft, Marmaduke Conſtable, John Courtney, James Cooke, James Collins, Charles Croſs, Richard Croſs, Robert Cotes Doctor in Divinity, Thomas Conſtable Clerk, John Cayley Clerk, William Cayley Clerk, Richard Darley, John Dealtry, William Denniſon, Edward Dowſett, John Dealtry Clerk, John Drinkrow, Giles Earle, Eaton Manwaring Ellerker, Henry Etherington, Thomas Etherington, William Ellerker, Henry Egerton Clerk, the Reverend John Fountayne D. D. Dean of York; Barnard Foord, Roger Gee, Richard Gee, Chriſtopher Goulton, Thomas Goulton, John Grimſton, Robert Grimſton, John Greame, Robert Greame, Thomas Greame, James Graburn, Elliner Garton, Henry Goodrick Clerk, Robert Darcy Hildyard, Thomas Haſſell, John Hudſon, James Hebblethwaite, William Hebblethwaite, Mann Horſefield, John Hutton, John Hill, Randolphus Hewit, Joſeph Hudſon, James Huſtler, William Hunter, John Hewit, Matthew Harland, John Holme Clerk, Randal Hancock Clerk, William Tuffnel Jolliffe, Peter Johnſon, Emanuel Jefferſon, John Jarratt, John Johnſton, Samuel Johnſton Clerk, Thomas Knoulton, Robert Knowſley, John Knowſley Clerk, 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, Richard Milner, Robert Midgley Clerk, Francis Matſon, Thomas Moſley, Clerks; Michael Newton, Thomas Norcliffe, Edward Nixon, Marmaduke Nelſon, James Newton, 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 Rickaby, Shermar Rookſby, William Read Rudſton Calverley Rudſton, Charles Robinſon, Mathew Remington, Henry Waite Robinſon, John Raper, Arthur Ricard, William Richardſon, William Rickinſon, Henry Rouſby, Walter Strickland, William Strickland, John Storr, William Stables, William Sotheron, James Shawe, Richard Sterne, Mathew Smith, Joſeph Studholme, Swinney D. D. John Seymour, Samuel Spendlove, Zachary Sugar Clerk, Smith Clerk, John Sarraude Clerk, Mark Sykes D. D. George Forſter Tuffnel, Beilby Thompſon, Lillingſton Thompſon, Leonard Thompſon, Tindall Thompſon, Francis Topham, 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 Yarborough, James Young, and Ralph Yoward; **ſhall be, and they and their Succeſſors to be appointed, in Manner herein after mentioned, 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** Truſtees may erect Turnpikes and Toll-houſes,

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 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,

and take the following Tolls thereat.

The Tolls.

For every Coach, Chariot, Landau, Berlin, Hearſe, Chaiſe, Litter, 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.

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

Toll veſted in the Truſtees.

and

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 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.

Tolls to be levied by Diſtreſs and Sale.

Diſtreſs to 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 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

Tolls to be paid but Once a Day.

of

of the ſaid Tolls reſpectively are hereby required to give gratis on the Receipt of the Tolls.

No Turnpike to be erected nearer *Bridlington* than Two Miles.

And be it further enacted by the Authority aforeſaid, That no Turnpike or Toll-bar ſhall be erected, or Toll taken by virtue of this Act, nearer to the Town of Bridlington than Two Miles.

Application of Monies.

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 Credit of 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 in making, repairing, and widening 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 it is 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, or 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 Pa-

riſhes, 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 or Perſons ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Twenty Shillings.

Penalty on making illegal Claims, &c.

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 to be paid for croſſing the Roads only.

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; or if any Perſon or Perſons ſhall, with any Coach, Chaiſe, Chariot, Landau, Berlin, Calaſh, Chair, Hearſe, Waggon, Wain, Cart, or other Carriage, or with any Horſe, Mare, Gelding, 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

Penalty on permitting, or going thro' private Paſſage, &c.

Roads, or any such Turnpike-gate or Bar, the same not being a common Road; or shall unload, or cause to be unloaden, any Sort of Goods or Merchandizes, 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; or shall forge, counterfeit, or alter, or shall deliver or offer to, or receive of, any Person or Persons any Ticket or Tickets, with Intent to evade, or whereby the Payment of any of the said Tolls shall be evaded; every Person so offending in any of the Cases aforesaid, and being thereof convicted upon Oath before any One or more Justice or Justices of the Peace for the said East Riding (which Oath such Justice or Justices is and are hereby impowered and required to administer) shall forfeit and pay, for every such Offence, the Sum of Twenty Shillings; which Sum, in case the same be not forthwith paid, shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices, 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 such Justice or Justices.

or unloading Goods, &c.

or on giving or receiving Tickets, &c. 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, 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 City of York, or of a Burgess or Burgesses to serve in Parliament for the respective Boroughs of Hedon, Hull, and 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.

And

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, 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; every ſuch Perſon ſo offending ſhall, for every ſuch Offence, 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 and may be lawful for any One or more of ſuch Juſtices as aforeſaid, by Warrant under his Hand and Seal, or their Hands and Seals, to commit ſuch Perſon or Perſons to the Common Gaol of the ſaid 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.

Roads to be meaſured, and Mile ſtones erected.

Penalty on defacing Mile-ſtones.

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

Truſtees may appoint Officers;

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 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 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, 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 under their Hands, authorize and impower to receive the ſame; 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,

and remove them, and appoint others.

Officers to account upon Oath.

Truſtees to allow Officers Salaries.

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, Collector, Surveyor, 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, 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 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, 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 may enquire into the Default;

and commit the Offender,

until Payment or Compoſition made.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the 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 Roads, or any Part thereof, do or doth 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

Surveyors may dig Gravel, &c.

without paying for the ſame;

levelling the Pits.

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 in case there is not sufficient of such Materials to be found 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, under their Hands) 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 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, 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, at their General Quarter Sessions, shall and may adjudge and finally determine the same.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall 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 cleanse or turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said Roads, to the Prejudice thereof; and to cut down, lop, or top, 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

Surveyors may remove Annoyances in the Road, &c.

and cut down Trees;

the Owners neglecting to remove the same after Notice;

be

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 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 (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered to adminiſter) ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

Charges to be reimburſed to the Surveyors.

Penalty on a Second Offence.

And be it further 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 in Writing 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 to the ſaid Roads, 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, at their then next General Quarter Seſſions to be holden for the ſaid Riding, to hear, ſettle, adjuſt, 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

Surveyors may make Cauſeways, &c.

erect Bridges, &c.

making Satisfaction to the Owners.

Juſtices to determine Differences.

Owners neglecting to ſcour their Watercourſes, after Notice,

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 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 ſaid Eaſt Riding, 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 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, 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 and 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;

Surveyors may make a temporary Road;

making Satisfaction to the Owners.

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, at their 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. 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 in any wiſe 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 as aforeſaid, and the ſaid Truſtees, or any Five or more of them, and for the Coſts and Charges attending ſuch Purchaſe; and ſuch Lands and Grounds when purchaſed as aforeſaid, ſhall, by Order and Direction of the ſaid Truſtees, or any Five or more of them, be laid into, and made Part of, 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 and 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, Truſtees may contract with Perſons for the Purchaſe of Lands, &c. Lands, &c. purchaſed to be made Part of the Road, and kept in Repair. Old Road to be ſold.

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 comprized 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 Riding, 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, and Adminiſtrators, Husbands, Guardians, and Committees, for and on the Behalf and in Right of any Infants, Femes Covert, Ideots, Lunaticks, and other Perſons being under any other legal Diſability, who are and 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.

Perſons neglecting to treat for the Sale of Lands;

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,

rate, 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 the ſame to be inquired into and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men (which Oaths the ſaid Truſtees, or any Two or more 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 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,

Jury to aſſeſs the Damages.

Witneſſes may be ſummoned, and examined upon Oath.

Verdict of the Jury to be final.

preſent, Infants, Femes Covert, and Perſons under any 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 Two or more of them, ſhall ſwear, or cauſe to be ſworn, Twelve Perſons, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers by, or that can be ſpeedily procured or ſummoned, to attend that Service, to the Number of Twelve.

Truſtees may iſſue their Warrant to Sheriff, &c. to impanel 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 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,

Jurors may be challenged.

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

dict, 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.

Fine not to exceed 10 *l.*

Provided nevertheleſs, That no ſuch Fine ſhall exceed the Sum of Ten Pounds 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.

Tolls may be aſſigned for Money borrowed.

And, foraſmuch as the Money to be collected by the Receipts of the ſaid Tolls or Duties by this Act made payable as aforeſaid, will not at preſent be ſufficient for the ſpeedy repairing of the ſaid Roads; be it therefore 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 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 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.

Aſſignments to be entered in a Book.

And be it further enacted by the Authority aforeſaid, That all and every Mortgage and Mortgages, Aſſignment and Aſſignments, ſo to be made by the ſaid Truſtees, 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 ſeaſonable 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 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 to be made of all Aſſignments.

Clerk's Fee.

And

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 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 let, 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 or Agreement ſhall be void; and then, and in either of ſuch Caſes, the Perſon or Perſons to whom the ſaid Tolls 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 and unpaid, and for levying and recovering the ſame as aforeſaid. Truſtees may leaſe, &c. the Tolls.

Provided always, and be it hereby enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, may, if they think fit, at any Time or Times during the Continuance of this Act, vary or leſſen all or any of the Tolls and Duties hereby granted and made payable, and for ſuch Time or Times as they the ſaid Truſtees, or any Seven or more of them, ſhall think proper; and may afterwards, from time to time, advance all or any of the Tolls, ſo leſſened, to any Sum or Sums of Money, not exceeding the reſpective Rates herein before mentioned, and Truſtees, with Conſent of Creditors, may leſſen the Tolls, and raiſe them again.

to

to order and direct ſuch Tolls ſo leſſened, reduced, or advanced, to be collected, received, taken, and applied, for the Purpoſes of this Act, as they ſhall think proper; any Thing herein contained to the contrary notwithſtanding; 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.

Truſtees may compound for Tolls.

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.

Perſons liable to repair Bridges, &c. 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

son 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 upon 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.

Justices to determine the Statute-work to be done on the Road.

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, 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 deliver in Liſts of Perſons liable to do 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 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 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 is hereby impowered to adminiſter) of all and every Perſon and Perſons in their ſeveral and reſpective Townſhips and Diſtricts, who have neglected to do and perform ſuch Part of their Statute-work as aforeſaid, and which

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 the 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 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.

Penalty on Surveyors neglecting to deliver in Liſts;

and on Perſons not performing Statute-work.

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 with Pariſhes, &c. for Statute-work.

And

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That when any Penalties or Forfeitures by this Act imposed shall be incurred (except such as are by this Act otherwise particularly directed to be recovered) then, upon Complaint and Proof thereof made to any Justice of the Peace of the said Riding, by or on the Oath or Oaths of One or more Witness or Witnesses, such Justice may, and is hereby required, to issue his Warrant or Warrants, under his Hand and Seal, for the apprehending and bringing such Person or Persons before him, or some other Justice of the Peace of the said Riding, 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 Days before the Time appointed for such Appearance, such Justice, even if the said Person or Persons being so summoned shall not appear, may, and is hereby required to enquire into the Causes and Matters of the said Complaint or Complaints in a summary Way, and either by the Confession of the said Person or Persons, or on the Evidence of One or more Witness or Witnesses on Oath as aforesaid, if he shall see Cause, convict the said Person or Persons of such Offence or Offences, and in the Penalties or Forfeitures by him or them respectively incurred in those Respects; and for Non-payment thereof, though the same shall not be demanded, shall issue a Warrant or Warrants, under his Hand and Seal, for levying the same Penalties or Forfeitures by Distress and Sale of the Goods and 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,

ty, 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 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 Roads, in reſpect whereof ſuch Penalties or Forfeitures reſpectively ſhall be incurred, in like Manner as other the Monies to be raiſed by virtue of this Act are hereby directed to be applied.

Turnpikes, &c. veſted in the Truſtees.

And be it further enacted by the Authority aforeſaid, That the Right, Intereſt, and Property, of all the Turnpikes and Toll-houſes, which ſhall be erected by virtue of this Act, and the Materials of which the ſame ſhall conſiſt, and all Materials which ſhall be actually got and provided by the ſaid Truſtees, or by their Surveyors, for the Uſe of the ſaid Roads, ſhall be, and the ſame are hereby veſted in the ſaid Truſtees; and they, or any Five or more of them, are hereby impowered to diſpoſe of ſuch Turnpikes and Toll-houſes as they ſhall think proper, and to 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, or any of the Materials which ſhall be provided for repairing the ſaid Roads.

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 may act as Juſtices.

Provided always, and be it further enacted and declared by the Authority aforeſaid, That if any Truſtee or Truſtees appointed, or to be appointed, to put this Act in Execution, is, are, or ſhall be, in the Commiſſion of the Peace for the ſaid East Riding of the County of York, or for the Town of Beverley, ſuch Truſtee and Truſtees ſhall and may act as Juſtice or Juſtices of

the Peace, for the effectual putting in Execution the ſeveral Authorities and Powers given in and by this preſent Act, notwithſtanding ſuch Juſtice or Juſtices is, are, or ſhall be, a Truſtee or Truſtees as aforeſaid.

On Death, &c. of Truſtees, others to be choſen.

And, for continuing a ſufficient Number of Truſtees to put this Act in Execution, be it further enacted by the Authority aforeſaid, That when and ſo often as any Truſtee or Truſtees ſhall die, remove, or refuſe to act, it ſhall and may be lawful for the ſurviving or 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 fit Perſon reſiding in or near the ſaid Eaſt Riding, or in the ſaid Town of Beverley, in the Room and Place of each ſuch Truſtee ſo dying, removing, or refuſing to act; and ſuch Perſon 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 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.

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 in the 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 above Reprizals, 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,

Penalty on acting if not qualified.

fence, 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.

Times and Place of Truſtees Meeting.

And be it further enacted by the Authority aforeſaid, That the Truſtees aforeſaid, or any Five or more of them, ſhall meet together at the Houſe known by the Sign of the Tiger, in Beverley aforeſaid, on the Second Monday in June, One thouſand ſeven hundred and ſixty ſeven; and ſhall then, and from time to time afterwards, adjourn themſelves to, and meet at ſuch Places near the ſaid Road, as they, or any Five or more of them, ſhall, from time to time, appoint: And if it ſhall happen that there ſhall not appear at any Meeeting 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 ſuch Perſon or Perſons applying to revoke or alter any ſuch Order, ſhall give Notice in Writing to the Clerk of

In Default of a ſufficient Number to act,

Clerk to give Notice of another Meeting.

Truſtees to defray their own Expences.

No Order to be made unleſs a Majority of the Truſtees preſent ſhall concur therein.

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.

No Truſtee to accept a Place of Profit ariſing from the Tolls.

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 Innholder, Victualler, or Perſon who ſhall ſell any Spirituous or Fermented Liquors by Retail, or any Perſon who ſhall carry Goods for Hire, or uſe the Occupation of a Common Carrier, ſhall be capable of holding or enjoying any Office or Place of Truſt under this Act.

Writings to be without Stamps.

And be it further enacted by the Authority aforeſaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals of, or only ſigned by, any Truſtee or Truſtees, for putting this Act in Execution, or any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of, any of the Powers 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.

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 ſaid Riding, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Perſon or Perſons ſo aggrieved, 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

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, 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.

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. Proceedings not to be quaſhed for want of Form, or 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 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. Treaſurer to give Security.

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, Limitation of Actions. 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.

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. 7

FINIS.