Anno quinto

Georgii III. Regis.

An Act for amending and widening the Road from the City of *York*, to the Top of *Oſwaldkirk Bank*; and from the ſaid Road, in *Sutton Field*, through *Craike*, towards *Oulſton*, to the Extent of the Lordſhip of *Craike*, in the County of *York*.

WHEREAS the high Road leading from the City of York, by Wigginton Mill, over Suitt Carr, to and through Sutton upon the Foreſt and Stillington, and from thence by Bramſby Mill, through Gilling, by Oſwaldkirk, to the Top of Oſwaldkirk Bank, in the North Riding of the County of York; and alſo the Road branching out of the ſaid laſt-mentioned Road, in Sutton Field, and leading from thence over Roſemary, alias Roſebury Hill, unto and through Craike, towards Oulſton, as far as the Lordſhip of Craike doth extend, are in many Parts founderous and narrow, and cannot be effectually amended, widened, and kept in good Repair, by the ordinary Courſe of Law: May it therefore pleaſe your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Preamble.

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 Right Honourable Lord Viſcount Fairfax in the Kingdom of Ireland, the Right Honourable Lord Viſcount Downe in the Kingdom of Ireland, Lord Bellaſiſe, the Honourable Chriſtopher Dawnay, the Honourable Thomas Robinſon, the Honourable Robert Lane, Sir James Long, Sir Brian Stapylton, Sir William Robinſon, Sir Marmaduke Wyvill, Sir Bellingham Graham, Sir William Foulis, Sir William Pennyman, Sir Thomas Frankland, Baronets; William Aiſlabie, George Bowes, Francis Beſt, Godfrey Bolville, Slingſby Bethell, Hugh Bethell, Robert Belt, Ralph Bell, Ralph Bell junior, Peter Bell, Leonard Bower, Simon Butterwicke, Thomas Barſtow, George Barker, Thomas Barton, Henry Bower, Robert Bower, William Baynes, William Bethell, John Bowman, Tomlinſon Bunting, William Brooks, Thomas Becket, Robert Bewlay, Hawlay Baynes, Stephen Croft, Stephen Croft junior, Nathaniel Chomley, Peter Conſett, William Chaloner, Chriſtopher Crowe, Francis Cholmley, Sheldon Craddock, William Conſtable, William Cholmley, Charles Cowper, Charles Cowper junior, Thomas Comber, William Comber, John Coates, Thomas Duncombe, Charles Duncombe, Henry Duncombe, Henry Brewſter Darley, John Dealtry, John Dodſworth, William Danby, Abſtrupus Danby, William Dawſon, Jerom Dring, William Driffield, Charles Dalton, George Dodſworth, Francis Drake, Gregory Elſley of Mount St. John, Giles Earle, Frederick Frankland, Layton Frewen, Marmaduke Fothergill, Thomas Fairfax, Robert Raikes Fulthorpe, John Fountayne D.D. Dean of York, John Grimſtone, Chriſtopher Goulton, Roger Gale, John Graves, Henry Goodricke, John Hill, John Hutton, George Hartley, John Harland, Richard Harland, Charles Harland, John Hardcaſtle, Mann Horsfield, Robert Darcy Hildyard, James Hebden, James Hobſon, Peter Johnſon, William Tuffnell Jolliffe, Robert Jubb, Robert Kitchingman, John Kay, Richard Kitchingman, Boynton Langley, James Legard, Edwin Laſcelles, Daniel Laſcelles, Henry Laſcelles, Francis Lofthouſe, Thomas Lamplugh, Thomas Lumley, John Milbank, Henry Maſterman, Henry Maſterman junior, Thomas Mauleverer, Bacon Morritt, William Meek, Thomas Mitchell, John Sawrey Morritt, William Martin, John Mathews, Thomas Moſeley, Richard Moſeley, John Neſsfield, Henry Peirſe, James Preſton, William Peirſe, Richard Peirſe, Samuel Peacock, James Pennyman, William Saint Quintin, Matthew Chitty Saint Quintin, Willey Reveley,

Truſtees Names.

Reveley, William Read, Henry Reveley, Thomas Robinſon, John Raper, Thomas Raper, John Raper of Bedale, Arthur Ricard, James Richardſon, John Hall Stevenſon, Walter Strickland, Thomas Salvin, William Saltmarſh, William Smelt, William Stables, William Sotheron, Mathew Smith, Charles Slingſby, Francis Smyth, Francis Smyth junior, Zachary Sugar, Lawrence Sterne, William Turner, Charles Turner, Roger Talbot, Charles Tancred, William Thornton, John Tanfield, John Thompſon, John Taylor, Beilby Thompſon, Richard Thompſon, Leonard Thompſon, Tindall Thompſon, Francis Topham, John Telford, John Telford junior, William Tomlinſon, Henry Willoughby, William Weddell, Warton Warton, Thomas Worſley, Andrew Wilkinſon, Charles Wilkinſon, Francis Wanley D. D. Samuel Waud, Robert Wilberforſs, James Worſley, Thomas York, John York, Charles Yarbrough, Ralph Yoward, the Lord Mayor, Recorder, City Council, and Aldermen, of the City of York, for the time being, ſhall be, and they are hereby appointed Truſtees for ſurveying, ordering, amending, widening, and keeping the ſaid Roads in Repair, and alſo for putting in Execution all other the Powers in and by this Act given; and that they, or any Five or more of them, ſhall and may, and they are hereby authorized and impowered to erect and ſet up, or cauſe to be erected and ſet up, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, acroſs, or on the Side of any Part or Parts of the ſaid Roads, or either of them, and croſs any Lane or Way leading into the ſame, and alſo a Toll-houſe or Toll-houſes at or near each Gate or Turnpike, and, from time to time, to remove or alter the ſame, as they the ſaid Truſtees, or any Five or more of them, ſhall think expedient; and ſhall and may demand, receive, and take, the Tolls following, before any Horſe, Cattle, or Carriage whatſoever, ſhall be permitted to paſs through any of the ſaid Gates or Turnpikes between York and the Top of Oſwaldkirk Bank; that is to ſay,

Truſtees may erect Turnpikes and Toll-houſes,

and take Tolls thereat.

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

The Tolls.

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

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

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, for passing through the Turnpike-gate upon the said Road, between York and the Top of Oswaldkirk Bank, in case there shall be only One such Gate upon the same Road, the Sum of Three Half Pence; and if there shall be Two or more such Gates upon the same Road, the Sum of Two Pence, and no more, for passing through both or all such Gates.

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

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

And also shall and may demand, receive, and take, the Tolls following, before any Horse, Cattle, or Carriage whatsoever, shall be permitted to pass through any of the said Gates or Turnpikes, between Sutton Field aforesaid, and the furthest Limits of the Lordship of Craike, towards Oulston; that is to say,

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

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

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

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny.

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

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

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; and the Money thereby to be raised is hereby vested in the said Trustees; and shall be paid, disposed of, or assigned to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after appointed and directed; and it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, under their Hands and Seals, shall from time to time nominate and appoint, to raise and levy the Tolls hereby granted and made payable upon any Person or Persons who shall, after Demand thereof made, neglect or refuse to pay the same as aforesaid, by Distress of any Horse or Horses, or other Cattle, Goods, or Chattles, upon or for which any such Toll is by this Act imposed and made payable, or by Distress of any other of the Goods or Chattles of such Person or Persons who ought to pay the same, and such Distress and Distresses to detain and keep until such Toll, together with the reasonable Charges of making and detaining such Distress or Distresses, shall be paid; and in case any such Toll, for which any such Distress shall be made, shall not be paid within the Space of Four Days after such Distress made, the Person or Persons so distraining may, and is and are hereby authorized and impowered, to sell any Horses, Cattle, Goods and Chattles, so distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls, and all reasonable Charges of distraining, keeping, and selling such Distress and Distresses, shall be deducted and paid.

Tolls vested in Trustees.

Tolls to be levied by Distress and Sale.

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 and Carriage, through all or any of the Gates or Turnpikes to be erected by virtue of this Act upon the Road between the City of York and the Top of Oswaldkirk Bank, or upon the Road branching out of Sutton Field aforesaid

Tolls to be paid but Once a Day.

aforesaid respectively; but that all and every Person and Persons, after having paid such respective 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 and Carriage Toll-free during such Day, to be computed as aforesaid, through all or any the Gates or Turnpikes upon the respective Road whereon 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.

And whereas several Parts of the said Roads lead over Moors, Commons, Common Fields, Common Pastures, or Waste Grounds, and the Payment of the Tolls hereby granted may by reason of the Width of the said Moors, Commons, Common Pastures, or Waste Grounds, be easily avoided; be it therefore enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, if they see Occasion, fence and ditch off such Parts of the said Moors, Commons, Common Fields, Common Pastures, or Waste Grounds, as they shall think necessary, in order to prevent the Payment of the said Tolls being evaded.

Trustees may fence off Commons.

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, and also all the Materials and Things got and belonging to the said Roads, shall be vested in the said Trustees; and they, or any Five or more of them, shall and may dispose of such Turnpikes and Toll-houses, Materials, and other Things, belonging to the said Roads, 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.

No Turnpike to be erected nearer to the City of *York* than 250 Yards.

Provided always, and it is hereby enacted by the Authority aforesaid, That nothing herein contained shall impower the said Trustees, or any of them, to erect any Gates or Turnpikes at any Place upon the said Road nearer to the City of York than Two hundred and Fifty Yards within the North End of the Parcel of Ground set out as a Pasture for the Freemen, Inhabitants of Bootham Ward in the said City, upon the late Inclosure of Clifton Common.

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

Provided always, and be it further enacted by the Authority aforesaid, That all Trustees for this Act who are Justices of the Peace, may act as Justices for putting

ting this Act in Execution, notwithstanding their being Trustees as aforesaid.

On Death or Refusal, others to be chosen.

And be it further enacted by the Authority aforesaid, That when any Trustee shall die, 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, to elect, nominate, and appoint, One other Person residing in or near the said North Riding, or in the said City or County of the City of York, in the Room and Place of such Trustee so dying or refusing to act, and every Person so appointed is hereby invested with the same Powers and Authorities for the Execution of this Act as the Trustee in whose Stead he shall be appointed was invested with; but Notice in Writing of the Time and Place of meeting for the Election of every such new Trustee, signed by the Clerk to the said Trustees, shall be fixed at or on the Turnpikes, which shall be erected by virtue of this Act, at least Fourteen Days before any such Meeting.

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 Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds; or shall be Heir Apparent to some Person having an Estate of the yearly Value of Two hundred Pounds: And if any Person hereby made incapable to act, shall nevertheless act contrary to the true Intent and Meaning of this Act, every such Person, for every such Offence, shall forfeit and pay the Sum of Fifty Pounds to any Person who will inform or sue for the same; to be recovered in any of His Majesty's Courts of Record by Action of Debt, or on the Case, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the Guildhall of the City of York on the Day Fortnight of the passing of this Act; and shall then, and from time to time afterwards, adjourn themselves to and meet at such Places near the said

Roads as they, or any Five or more of them, shall appoint: And if it shall happen that there shall not appear at the First or any other Meeting a sufficient Number of Trustees to act at such Meeting, and to adjourn to another Day, or in case the Trustees at any Time so assembled shall omit or neglect to adjourn themselves; then, and in every such Case, the Person acting as Clerk to the said Trustees, by Notice in Writing under his Hand to be fixed on all the Turnpike Gates to be erected by virtue of this Act, or by publishing the same in the York Courant, at least Ten Days before any other Meeting, shall appoint the said Trustees to meet at the Place where the then last Meeting of the said Trustees was appointed to be held, on some Day not less than Fourteen Days nor more than Three Weeks after the time appointed for such last Meeting; and that the said Trustees at all their 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 Orders shall give Notice in Writing to the Clerk to 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.

In Default of a sufficient Number to act,

Clerk to give Notice of another Meeting.

Trustees to defray their own Expences.

Trustees not to act but at publick Meeting, &c.

Provided always, and it is hereby declared and enacted, That no Person shall be capable of acting as a Trustee for putting this Act in Execution, during the Time he shall hold or enjoy any Place of Profit under this Act.

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

And be it further enacted by the Authority aforesaid, That the Tolls arising upon or on account of the said Road between York and the Top of Oswaldkirk Bank, and upon or on account of the said Road between Sutton Field and the furthest Limits of the Lordship of Craike, towards Oulston, and the Monies to be borrowed thereon respectively, shall, from time to time, after Payment of the Charges and Expences of procuring and passing this Act, in Manner herein after directed, be respectively applied in erecting and maintaining

Application of the Monies.

ing the Turnpikes and Toll-houses, and in making, repairing, and widening, the respective Road, whereon or upon account whereof such Tolls or Monies shall arise or be borrowed, and for defraying the necessary Expences of executing the several Purposes of this Act, upon or in relation to such Road respectively, and not otherwise; any thing herein contained to the contrary notwithstanding: And that separate and distinct Accounts shall be kept of the Receipt, Payment, and Application, of such Tolls and Monies, with respect to each of the said Roads; and that the said Trustees, or any Five or more of them, shall, out of the First Monies arising by the said Tolls upon the said Road between York and the Top of Oswaldkirk Bank, or out of such Money as shall be borrowed on the Credit thereof, pay and discharge all the Costs and Expences of procuring and passing this Act; but the Sum of One hundred Pounds, Part of such Costs and Expences, shall be repaid and reimbursed out of the First Monies arising by the Tolls of the said Road branching out of Sutton Field, or out of the First Monies which shall be borrowed on the Credit thereof.

Exemptions from Toll.

Provided always, and it is hereby declared and enacted by the Authority aforesaid, 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, 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 that no Person shall be charged with any of the Tolls aforesaid who shall pass through any Gate or Gates which shall be erected on the said Roads, or either of them, by virtue of this Act, with any Horse, Mare, Gelding, Mule, Ass, Waggon, Cart, or other Carriage, which shall be employed only in carrying or drawing Stones, Gravel, or other Materials, for repairing the said Roads, or for amending any of the Highways in the Parishes or Townships in which any Part of the said Roads by this Act intended to be repaired doth lie, or in any of the neighbouring Parishes or Townships; or which shall be employed only in carrying or drawing

any Dung or Mould for manuring of Lands or Gardens within such Parishes, Places, or Townships; nor shall any of the Tolls aforesaid be demanded or taken for any Horses or Mares, Carts, Wains, Waggons, or other Carriages, employed only in carrying any Hay or Straw, or Corn in the Straw, to be laid up in the Houses, Outhouses, Garths, or Barns, of or belonging to the respective Growers thereof, being Inhabitants of, or Owners and Occupiers, or Farmers and Occupiers of, any Grounds in any Parish, Township, or Place, in which any Part of the said Roads hereby intended to be repaired doth lie, but not to exempt such Hay, Straw, or Corn, from the Payment of such Tolls when conveyed upon the said Roads for Sale, or for any other Purpose than as aforesaid; nor shall any such Tolls be taken or demanded for any Horses or Cattle employed in conveying Plows, Harrows, or other Implements of Husbandry; 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 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; nor for any Horse, Cattle, or Carriage, which shall only cross the said Roads; and if any Person or Persons shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Penalty on making illegal Claims.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons, owning, renting, or occupying, any Land or Tenement near to any Turnpike-gate or Bar which shall be erected in pursuance of this Act, shall knowingly or willingly suffer any Person or Persons to pass through any Gate, Passage, or Way, with any Horse, Cattle, or Carriage, 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 owning or driving any Carriage, or owning, driving, or riding on, any Horse, Mare, Gelding, Mule, Ass, or any other Sort of Cattle, or owning or driving any Sheep, Calves, or Swine, shall cause the same to pass through any Gate, Passage, or private Way, near to any such Turnpike-gate or Bar, with Intent to avoid the Payment of the Tolls

by

by this Act imposed, or any of them; or if any Person or Persons shall unload, or cause to be unloaden, from any Horse, Beast, or Carriage, 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 Carriage, Horse, Mare, Gelding, Mule, Ass, or any other Cattle, chargeable with the said Tolls, or any of them, with such Intent as aforesaid; or if any Person shall knowingly give or receive such Note or Ticket, Notes or Tickets, as is and are hereby directed to be given, in order to avoid the Payment of the said Tolls, or any Part or Parts thereof; every Person so offending in any of the Cases aforesaid, and being thereof convicted on his, her, or their Confession, or upon Oath, before One or more Justice or Justices of the Peace within whose Jurisdiction such Offence shall be committed (which Oath any such Justice or Justices of the Peace is and are hereby required and impowered to administer) shall forfeit and pay, for every such Offence, the Sum of Twenty Shillings; to be levied and recovered by Distress and Sale of the Offenders 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 the said Justice or Justices.

or unloading Goods, &c.

or on giving or receiving Tickets, &c.

And be it further enacted by the Authority aforesaid, That the 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 to be erected thereon, or in or near the Sides thereof, at the Distance of One Mile each from the other, in order to mark or denote the Distances from any One Town or Place, to any other Town or Place, as to the said Trustees, or any Five or more of them, shall seem meet; and if any Person or Persons shall voluntarily 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 Oath as aforesaid; every such Person, so offending, shall forfeit and pay the Sum of Forty Shillings, to be levied and recover-

Roads to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones,

to be levied by Distress and Sale,

ed by Distress and Sale of the Goods and Chattles of every such Offender in Manner before mentioned; such Forfeitures to be applied, One Moiety thereof to the Informer or Informers, and the other Moiety in repairing the Stones or Posts so broke or defaced, or in supplying new ones in their Stead, and in repairing the said Roads; and in case the Person or Persons so offending and convicted, shall have no Goods or Chattles, then

For want of Distress, the Offenders to be committed.

it shall and may be lawful for any One or more of such Justices as aforesaid, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the Common Gaol of the said County of York, for the Space of One Calendar Month, and he, she, or they, shall not be sooner discharged, unless he, she, or they, shall pay the said Sum of Forty Shillings.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, from time to time, by Writing under their Hands, appoint One or more Collector or Collectors of the Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors, of the said Roads, and such other Officers as the said Trustees, or any Five or more of them, shall think necessary; and from time to time to remove any or either of such Officers and other Persons, and appoint others in the Room of such of them as shall be so removed, or shall die; and out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers and Persons as to them the said Trustees, or any Five or more of them, shall seem reasonable: And all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner, as the said Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing, of all the Monies which shall have been by such Officer or Officers, and Person or Persons respectively, received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purpose, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers and Persons, so accounting as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath the said Trustees, or any Five or

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

more of them are hereby impowered to administer) verify their said Accounts; and if any such Officer or Person shall not make and render, or refuse to verify upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid; or shall not deliver to the said Trustees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies, as upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or as they shall direct or appoint; then, and in any of the Cases aforesaid, such Trustees, or any Five or more of them, may, and are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions, in the Name of such Trustees, or in the Name or Names of any Five or more of them, against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any One or more of the Justices of the Peace for the said North Riding, such Justice or Justices may and is and are hereby authorized and required by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him or them, and upon his and their appearing, or not being to be found, to hear and determine the Matter in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner, as the said Trustees, or any Five or more of them, by virtue of this Act might have done; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses, upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer, without any Fee or Reward) it shall appear to such Justice or Justices, that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may and is and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such

Officers refusing to account,

or if Complaint be made to Justices,

they are to enquire into the Default, and determine the Matter.

Balance may be levied by Distress and Sale.

from

Money

Money to be levied by Distress and Sale of the Goods and Chattles of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattles of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of distraining for the same; then, and in either of the Cases aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol of the County of York, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees, or any Five or more of them, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees, or any Five or more of them, are hereby impowered to make) and until he shall deliver up such Books, Papers, and Writings, as aforesaid, or give Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

For want of Distress, the Offender to be committed,

until Payment or Composition made.

Treasurer, &c. 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 Penalty as they shall think fit, from every Person who shall be appointed to act as Treasurer of the said Roads, or either of them, 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.

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and 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 do lie, as shall be proper for repairing and amending the said Roads, without paying any thing for the same; such Surveyors or other Persons filling up the Pits, and levelling or sloping 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, Rivers or Brooks, as aforesaid, it shall and may be lawful to and for such Surveyor or Surveyors, (by Order of the said Trustees, or any Five or more of them) to dig and

without paying for the same;

levelling the Pits, &c.

Materials may be taken from private Grounds;

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 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 said Roads; 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 Payment or Damage as aforesaid, the Justices of the Peace, at their General Quarter Sessions holden for the City, County, Riding, Division, or Place, in which or from whence such Materials shall be digged or taken, or over which the same shall be carried, shall and may adjudge, assess, and finally determine the same.

Making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor 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 Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said Roads, or either of them, to the Prejudice thereof; and to cleanse, widen, or deepen, any Ditch or Watercourse adjoining the same Roads; and to cut down, lop, or top, any Trees or Bushes growing on the said Roads, or on the Banks or Hedges adjoining 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 remove such Annoyances, or cleanse, widen, or deepen, such Ditches, or cut down or remove such Trees or Bushes, for the Space of Ten Days next after Notice in Writing shall be given for those Purposes, 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

Surveyors may remove Annoyances, &c.

and cut down Trees;

the Owners neglecting to remove the same after Notice;

Charges to be reimbursed the Surveyor.

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, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

Penalty on a Second Offence.

Surveyors may make Causeways, &c.

And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by Order of the said Trustees, or any Five or more of them, from time to time, 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 upon the said Roads respectively; and to turn and carry the said Roads, or either of them, over any Part of any Common or Waste Grounds, lying contiguous or near thereto, or through which the said Roads, or either of them, 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 said Roads in good Repair; making such Satisfaction to the Owners and Occupiers of such private Grounds 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 North Riding, at their then next General Quarter Sessions to be holden for the said Riding, to hear, settle, adjudge, and finally determine the same.

and erect Bridges;

making Satisfaction to the Owners.

Justices to determine Differences.

Surveyors may make a temporary Road;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, by Order of the said Trustees, or any Five or more of them, to make a Way or Ways into, through, and out of, any Grounds or Lands lying contiguous to any narrow or foundrous Part or Parts of the said Roads (not being the Ground whereon any House shall then stand, or a Garden, Orchard, Park, planted Walk, or Avenue to any House, or Nursery of Trees already planted) to be made use of by all Passengers

Passengers with Horses and other Cattle, Coaches, Carts, and other Carriages, as a public 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 at their General Quarter Sessions.

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Five or more of them, shall think proper to widen, turn, or alter, any Part or Parts of the said Roads, or either of them, for the better Accommodation of Coaches, Carriages, and Passengers, it shall and may be lawful to and for the said Trustees, or any Five or more of them, and they are hereby authorized and impowered, from time to time, to treat, contract, and agree, with any Person or Persons for the Purchase of any Lands, Grounds, or Hereditaments, lying contiguous or near to any of the said respective Roads, and for the Loss or Damage the Proprietors, Owners, or Occupiers thereof, or any of them, shall or may any ways sustain by such widening, altering, or turning, such Roads; and to pay for the same, out of the Money arising by this Act, 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 public 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,

Trustees may contract for the Purchase of Lands, &c.

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

and esteemed a public Highway.

Old Road may be sold.

in

in lieu whereof such Lands or Grounds shall be purchased for such new Road as aforesaid, unless the same leads to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and disposed of by, the said Trustees, or any Five or more of them, to any Person or Persons, for the best Price that can be reasonably got for the same; and the Money arising by such Sale shall be applied and disposed of for the repairing, widening, and amending the 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 North Riding of the County of York, 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 Politic, &c. may contract for the Sale of such Lands.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politic and Corporate, and all Trustees, Executors, Administrators, Husbands, Guardians, and Committees, for and on the Behalf and in Right of any Infants, Femes-covert, Ideots, Lunaticks, and other Person and Persons, being under legal Disability, who are or shall be seised or possessed of, or interested in, any such Lands, Grounds, or Hereditaments, as aforesaid, to treat, contract, and agree, with the said Trustees, or any Five or more of them, for the absolute Purchase thereof, or of any Part thereof, or for their Interest therein, for the Purpose aforesaid, and to sell and convey the same for a fair and valuable Consideration, as Occasion shall require; and that all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes whatsoever; any Law, Statute, or Usage, to the contrary notwithstanding: And that all such Persons so hereby authorized to treat, contract, or agree, for the same, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Where Persons refuse to treat, &c.

And be it further enacted by the Authority aforesaid, That if any such Owner, Occupier, Body Politic or Corporate, Husband, Guardian, Trustee, Committee, or other Person or Persons interested in such Lands, Grounds, or Hereditaments, upon Thirty Days Notice to them given or left in Writing at the Dwelling-house

or Place of Abode of such Person or Persons, or of the Head Officer or Officers of such Body Politic 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 either of the said respective Roads, or over which either of the said Roads shall be turned or altered as aforesaid, shall neglect or refuse to treat, or shall not agree with such Trustees for the same, or by reason of Absence shall be prevented from treating with them for the same, then, and in every such Case, the said Trustees, or any Five or more of them, shall cause to be 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 will be sustained by, and what Recompence or Satisfaction shall be made to, such Owners, Occupiers, or other Person or Persons interested, for or upon account of the taking of such Lands, Grounds, or Hereditaments, into the said respective Roads, or either of them; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before them all and every Person or Persons whatsoever who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses, and shall examine all such Witnesses before the said Jury upon Oath (which Oath the said Trustees, or any Two or more of them, are hereby impowered and required to administer) and they shall also order and cause the said Jury to view the said Places in Question, and to make 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 of the said Jury; which said Verdict or Inquisition, and also such Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whatsoever, having or claiming

Jury to settle the Damages and Recompence.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

claiming any Estate or Interest whatsoever in such Lands, or Hereditaments at Law or in Equity, their Heirs, and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politic 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 impannel, 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 impannel, summon, and return, such Twenty four Persons accordingly: and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees, or any Five or more of them, shall swear, or cause to be sworn, Twelve Persons who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured or summoned to attend that Service, to the Number of Twelve; and all Persons interested in such Lands and 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 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

Trustees may issue a Warrant to the Sheriff, &c. to impanel a Jury.

Notice to be given to persons summoned.

Jurors may be challenged.

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

be or they shall be sworn to try, or inquire of, or in any other Manner 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, That no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One single Offence.

Tolls may be assigned for Money borrowed.

And 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 hereby granted, and which shall or may arise or become payable by virtue of this Act, or any Part thereof, for any Time during the Continuance of this Act, as a Security by way of Mortgage for any Sum or Sums of Money by them to be borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall advance and lend the same, in order to secure the Repayment thereof, with Interest; which said Money, so to be borrowed, shall be applied as the said Tolls 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 after their First Meeting, 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 then be erected by virtue of this Act, at least Fourteen Days before the Borrowing of such Money, and the Costs and Charges of making such Mortgage or Assignment, shall be borne and paid out of the Tolls to be mortgaged or assigned; and all such Mortgages or Assignments shall be 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, at all seasonable Times, without Fee or Reward.

Notice to be given of borrowing Money.

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, or 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 sign-

ed

ed by him, her, or them, in the Presence of Two or more credible Witnesses, assign or transfer any such Security, and all Benefit and Advantage thereof, and all his, her, and their Right, Title, and Interest, in or to the Principal and Interest-money thereby secured, or any Part thereof, to any other Person or Persons whomsoever; which said Transfer or Assignment, shall be produced or notified within Three Months next after the Date thereof, to the Clerk or Clerks, Treasurer or Treasurers, 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, or 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.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, if they think fit, by Order in Writing, to be entered by their Clerk in the public Book of the said Trustees, demise and let the Tolls to be collected at all or any Turnpike-gates or Gate to be erected upon the said Roads, or either of them, for any Term not exceeding Three Years 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 to be collected upon the same Roads are hereby directed to be applied, provided, that before any such Demise shall be made, Ten Days Notice thereof at the least shall be fixed upon each of the Turnpike-gates which shall be erected upon the same Roads; and that the Money which shall be so agreed to be paid for the said Tolls, shall be made payable and shall be paid to the said Trustees by equal Quarterly Payments, and that the Person or Persons to whom the said Tolls shall be so let shall always pay down One Quarter's Pay in Advance; and if on any Letting, or Agreement for letting the said Tolls, or any Part or Parts thereof, any Default shall be made in Payment of the Money agreed to be paid

for

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 let, shall be liable to account for the same, and to have the same levied and recovered upon and of him and them by the same Means, and in the same Manner, as by this Act is directed or provided for the accounting for the said Tolls by the Collectors thereof, or for Money had and received by any Person or Persons, and unaccounted for or unpaid, or for levying and recovering the same as aforesaid.

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

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and they are hereby impowered, from time to time, to lessen, vary, or alter, all or any Part or Parts of the Tolls hereby granted, and to raise the same again so as not to exceed the Tolls by this Act granted, and so as such Reduction be with the Consent of the Person or Persons who at the Time of such Reduction shall be intitled to Two Third Parts at the least of the Money secured thereon; but no such Alteration shall be made till Fourteen Days Notice shall have been given of such Intention, by affixing the same upon all the Turnpikes; and such Tolls, so lessened, varied, or altered, shall be collected, recovered, and applied, as the Tolls hereby granted are herein directed to be collected, recovered, and applied.

Trustees may compound for Statute-work.

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 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 Cattle, passing through all or any of the Gates or 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 the Repair of the Roads, &c. to continue so.

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, City, Riding, Division, Hundred, Wapentake, Liberty, Parish, Township, Village, Hamlet, Place, Body Politick, Corporation Aggregate or Sole, private Person or Persons, from 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, from time to time, and at all Times, shall hereafter be maintained, amended, and kept in Repair, by such County, City, 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 or Treasurers for the time being of the said Trustees; and upon Default of Payment thereof, it shall and may be lawful to and for any Justice of the Peace for the District where the Matter of Complaint shall arise, by Warrant under his Hand and Seal, to levy the same by Distress and Sale of the Goods of such Person or Persons as shall neglect or refuse to make such Payment as aforesaid; and such Rents and Profits when recovered and received shall be applied, from time to time, for such Purposes as the Tolls to be collected from the said respective Roads, and the Money to be borrowed on the Credit thereof, are in and by this Act directed to be applied and disposed of.

Inhabitants to do Statute-work.

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 with Statute-work within

within the Parishes and Places where any Part of the Roads hereby directed to be repaired doth lie, shall yearly and every Year, if thereunto required by the said Trustees, or any Five or more of them, do and perform such Statute-work on such Part or Parts of the said Roads within their respective Parishes and Places, as the said Trustees, or any Five or more of them, shall appoint and require.

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

And 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 Riding, at any petty or special Sessions of the Peace, 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 do lie, upon Application being made to them for that Purpose by the said Trustees, or any Five or more of them, or by the Inhabitants of any such Parish, Township, or Place.

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

And be it further enacted by the Authority aforesaid, That the Surveyors of the Highways for the time being of the several 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 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, give and deliver unto the said Trustees, or any Five or more of them, a true List, according to the best of his or their Knowledge, upon Oath, if thereto required by the said Trustees (which Oath any Two or more of the said Trustees are hereby impowered to administer) of all the Inhabitants of such respective Townships and Districts liable to do and perform their Statute-work upon the said Roads with Teams or otherwise; and shall, within Two Days after Notice shall be given them by the Turnpike Surveyor or Surveyors of the Time when, and how many of the Persons so chargeable he or they would have to do such their respective Statute-work, summon or give publick Notice thereof to the Persons so chargeable as aforesaid: And if any Parish Surveyor or Surveyors 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

Penalty on Surveyors, &c. neglecting to deliver in Lists;

and on Persons not performing Statute-work.

Summons or Public 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 directed to be repaired by this Act, leading through their several and respective Townships and Districts as aforesaid; he, she, or they, so neglecting or refusing, shall forfeit and pay the Sum of Ten Shillings for every Team or Draught so making Default each Day: And if any Labourer, or other Person or Persons so chargeable towards repairing the said Roads, shall at any Time neglect or refuse (after such Summons or Public 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 Roads; 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 if any Person who shall come to work as a Labourer, or be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by the Turnpike Surveyor or Surveyors, he and they is and are hereby impowered and required to discharge such Labourer, Team, or Draught, and the Persons liable to such Statute-work shall be subject to the respective Forfeitures and Payments before-mentioned, as if they had neglected or refused to perform the said respective Days Work.

Trustees may compound for Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, from time to time to compound and agree with the Inhabitants of any of the Parishes, Townships, Hamlets, or Places, chargeable with the Repairs of the said Roads, or with any of the Owners or Occupiers of Lands or Tenements which are or shall be liable or chargeable towards repairing any Part of the said Roads, for the Statute or other Work to be done by any such Parish, Township, Hamlet, or Place, or by such Occupier or Occupiers of such Lands or Tenements chargeable as aforesaid in every Year, so as the several Sums of Money at and for which such Statute or other Work shall be so compounded, be paid down at the respective Times of making such Compositions.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed, concerning which no other Provision is hereby made, shall be levied and recovered by Distress and Sale of

the

the Offenders Goods and Chattles, by Warrant or Warrants under the Hand and Seal of any One Justice of the Peace within whose Jurisdiction such Penalties and Forfeitures respectively shall be incurred, or such Offenders respectively shall reside (which Warrant or Warrants any such Justice is hereby impowered and required to grant, upon the Information on Oath of One or more credible Witness or Witnesses); and such Penalties and Forfeitures, when recovered, after rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattles (the Charges of such Distress and Sale, and all other incident Charges and Expences relating thereto, being first deducted) shall go and be paid to the Treasurer or Treasurers of the said Roads, duly appointed by the said Trustees, and shall be applied and laid out according to the Order of the said Trustees, or any Five or more of them, for and towards the amending the Roads to be repaired by virtue of this Act.

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 thereof, 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.

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

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

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, made or issued by virtue or in pursuance of this Act, shall be charged or chargeable with any Stamp Duty whatsoever.

Persons aggrieved may appeal to the Quarter Sessions.

Provided also, and be it further enacted by the Authority aforesaid, That in case any Person or Persons shall think him, her, or themselves, aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been herein before appointed; it shall and may be lawful to and for such Person or Persons, within the Space of Six Calendar Months next after such Grievance, to appeal to the Justices of the Peace at their next General Quarter Sessions to be held for the said North Riding; and such Justices shall and are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint

or Complaints of any Person or Persons so aggrieved in a summary Way; and, if they see Cause, shall and may by Order of such Sessions mitigate, at their Discretion, all or any of the Penalties or Forfeitures laid on or incurred by the Party or Parties so complaining, or vacate or set aside the Conviction or Convictions, and set the Party or Parties at Liberty, or otherwise may ratify and confirm the same with such Costs as to them, in their Discretion, shall seem reasonable, and levy, by their Order or Warrant, such Costs so awarded by Distress and Sale of the Goods and Chattles of any Person who shall refuse to obey the same; and for want of such sufficient Distress, shall and may commit the Party to the common Gaol of the County of York for any time not exceeding Three Calendar Months, or until Payment of such Costs shall be made; and all Persons so appealing as aforesaid shall, and they are hereby required to, give Fourteen Days Notice in Writing to the Treasurer or Treasurers for the time being of such their Intention of bringing or prosecuting any Appeal, and shall, within Five Days after such Notice given, enter into a Recognizance before some Justice of the Peace of the said North Riding, with sufficient Sureties, upon Condition to try such Appeal at the Quarter Sessions of the Peace which shall be held next and immediately after the bringing such Appeal, and every such Appeal shall at the then next General Quarter Sessions be heard and finally determined, or for want of such Notice as is hereby required, may be adjourned to the next succeeding Quarter Sessions, and there heard and finally determined.

Proceedings not to be removed by *Certiorari*, &c.

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

Proceedings to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept for that Purpose, and shall be signed by the said Trustees, or any Five or more of them, and shall be deemed and taken to be Original Proceedings, and shall and may be produced and read in Evidence in all Cases of Appeals, Suits,

Suits, Actions, or other Proceedings, touching any Thing done by the Authority of this Act.

Limitation of Actions.

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

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.