Anno nono

Georgii III. Regis.

An Act for repairing and widening the Road from *Beverley* to the Ferry at *Hesle*, and from the *Malton* Guide Post to the Gravel Pit at *Cottingham*, in the County of *York*.

WHEREAS the Road extending from Kelgate Bar in Beverley, in the East Riding of the County of York, through Bentley Lanes, by the Malton Guide Post, to a Part of Cottingham Field near Skidby Mill, in the Parish of Cottingham, in the said East Riding, and so through the Town of Willerby, by the West End of the Town of Anlaby, to the Ferry cross the River Humber, at and from Hesle in the County of the Town of Kingston upon Hull, and also extending from the Malton Guide Post aforesaid, to the Gravel Pit at the West End of the Town of Cottingham aforesaid, being the great Road to Hesle, Malton, and many other Places, is ruinous; and in many Parts too narrow and incommodious for Wheel Carriages and Travellers; and cannot be sufficiently amended, widened, and Preamble.

kept in Repair, by the ordinary Course of Law: May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Mayor, Recorder, and Aldermen, of the Town of Beverley for the time being, the Lord Viscount Gallway, in the Kingdom of Ireland, Robert Manners Esquire, commonly called Lord Robert Manners; the Honourable Christopher Dawnay, Sir William Anderson, Sir Griffith Boynton, Sir Robert Hildyard, Sir Beaumont Hotham, Sir Digby Legard, Sir Joseph Pennington, Sir George Strickland, Sir Warton Warton, Sir Charles Buck, Sir John Major, Baronets; Sir George Montgomery Metham Knight, Charles Anderson, Teavil Appleton, Robert Appleton, William Ayre, William Agar, William Agar, John Agar, Seth Agar, Andrew Agar, the Reverend William Anderson Clerk, Hugh Andrew, Francis Boynton, Hugh Bethell, William Bethell, Francis Best, Thomas Broadley, Isaac Broadley, Richard Beatniffe, John Bowman, Leuins Boldero, Windem Bower, Francis Best Clerk, Thomas Barker Clerk, Thomas Bowman Clerk, Michael Bielby, Richard Burton, Ralph Burton, Robert Burton, John Broadley, Edward Burrow, Richard Beatneth, Henry Barnard, Francis Beilby, John Wood Boynton, Thomas Boreham, Robert Belt, Thomas Barstow, Godfrey Bosville, Francis Barlow, Thomas Barlow, Gabriel Brooke, Montague Brooke, Humphry Brooke, John Brough, William Brough, William Berryman, Thomas Lacon Barker, Windham Bowyer, William Bosville, Tomlinson Bunting, Stephen Buckle, Robert Bewlay, Nicholas Butterfield, Christopher Spencer Brearey Clerk, Kinsman Basket Clerk, John Bradley Clerk, John Blake Clerk, William Bowes, Edward Bracken Clerk, Richard Bell, Thomas Blackett Bosville, John Bell, Thomas Constable Clerk, Coates D. D. John Courtney, Marmaduke Constable, James Carlin, John Chambers, Nathaniel Cholmley, William Cholmley, Stephen Croft, James Cooke, James Collins, Charles Cross, Richard Cross, John Caley Clerk, William Caley Clerk, Richard Cordukes, Thomas Cordley, Robert Cotes D. D. Francis Drake Clerk, Christopher Dawney, Henry Brewster Darley, Richard Darley, John Dealtry, Edward Dowsett, John Dealtry Clerk, John Drinkrow, John Dunnington, Francis Drake, George Mason Davy, William Dennison, Eaton Mainwaring Ellerker,

Trustees Names.

Ellerker, Roger Mainwaring Ellerker, Henry Etherington, Edward Egremont, John Everingham, Samuel Everingham, Giles Earle, Thomas Ethrington, William Ellerker, Lewis Ettii Clerk, Henry Egerton Clerk, the Reverend John Fountayne D. D. Dean of York, Thomas Fairfax, Marmaduke Fothergill, Francis Fothergill, Timothy Foord, Layton Frewen, Robert Fairfax junior, Barnard Foord, Roger Gee, Richard Gee Clerk, Chriſtopher Goulton, Thomas Goulton, John Grimſton, Robert Grimſton, James Greyburn, Henry Goodrick Clerk, John Greame, Robert Greame, Thomas Greame, Henry Goddard Doctor of Phyſick, John Graves, Elliner Garton, Robert Darſey Hildyard, John Hudſon, Mann Horſefield, Randolphus Hewitt, William Hunter, Randal Hancock Clerk, William Hall, William Hall junior, Thomas Haſſell, John Harland, James Heblethwaite, William Heblethwaite, John Hutton, John Hill, Joſeph Hudſon, James Huſtler, John Harriſon, John Hewitt, Robert Hanſon, Mathew Harland, Mathew Hornſey, Robert Hewitt, John Holme Clerk, William Tufnell Jolliffe, William Jackſon, Peter Johnſon, Robert Jubb, Emanuel Jefferſon, John Jarratt, John Johnſton, Samuel Johnſton junior Clerk, Thomas Jefferſon, William Kirk, Thomas Knoulton, John Kenion, John Knowſley Clerk, Robert Knowſley, Luke Lillingſton, Thomas Lewthwaite Clerk, Ralph Lutton, Robert Lane, Barnabas Legard, Robert Legard, Savage Lloyd, Boynton Langley, Francis Lofthouſe, Thomas Leake Clerk, Edward Lee, Henry Maiſter, Jonathan Midgley, William Meeke, Francis Meeke, Henry Munby, Roger Mainwaring, Robert Midgley Clerk, Thomas Marr, William Mantle, Nathaniel Maiſter, Bacon Morritt, John Sawrey Morritt, Thomas Morley, Henry Maſterman junior, Richard Milner, Francis Matſon Clerk, Thomas Moſley Clerk, Henry Maſterman, Michael Newton, James Newton, Marmaduke Nelſon, Thomas Norcliffe, Edward Nixon, Thomas Norfolk, John Nicoll, Fountayne Wentworth Oſbaldeſton, George Overend, James Pennyman, Peaſe, Peaſe of Hull, Ralph Pennyman, Charles Pool, William Pawſon, Francis Pierſon, William Paul, Thomas Payler, John Pearſon, Chriſtopher Peake, Robert Potter, Edward Plumpton Clerk, John Preſton Clerk, Thomas Peirſe junior, William Saint Quintin, Mathew Chitty Saint Quintin, William Ringroſe, John Robinſon, John Rickaby, Sherman Rookſby, Charles Robinſon, Martin Ringiere, William Read Rudſton, Calverley Rudſton, Mathew Remington, Henry Waite Robinſon, John Raper, Arthur Ricard, William

Richardſon, James Richardſon, Robert Robinſon Clerk, Charles Radcliffe, William Rickinſon, Henry Rouſby, Walter Strickland, William Strickland, John Seaman, Richard Sterne, Samuel Spendlove, Suckling Spendlove, Sketcher, Sketcher junior, John Storr, William Stables, William Sotheran, James Shawe, Mathew Smith, Henry Stapleton, Doctor Swinney Clerk, John Seymour, Joſeph Studholme, William Siddall, Zachary Sugar Clerk, Smith Clerk, John Sarraudde Clerk, Mark Sykes D. D. John Simpſon Clerk, George Forſter Tufnell, Iſaac Thompſon Clerk, William Travis, Francis Tong Clerk, Beilby Thompſon, William Thompſon, Leonard Thompſon, Tindall Thompſon, Francis Topham, George Toulſon, William Thornton, Edward Thwing, William Tomlinſon Clerk, William Territt Clerk, Richard Thompſon Clerk, Iſaac Thompſon Clerk, Benjamin Topham Clerk, Lillingſton Thompſon, John Taylor, Henry Willerſby, William Waines, William Wilberforce, William Wilberforce junior, William Wilberforce the youngeſt, Joſhua Wilſon, John Wright, Thomas Watſon, Samuel Watſon junior, Thomas Watſon of Arras, Robert Wharram, Ralph Wiſe, William Weddall, Thomas Walker, William Ward Clerk, Thomas Wakefield Clerk, John Wakefield, Charles Willy, William Wilkinſon, George Wickins, George Warton, John Waterfield, James Woodhouſe, Warton Warton, Henry Willoughby, Robert Wilberforce, Charles Witty, Thomas Wilſon, Edward Wormley, Thomas Worſley, John Whaley Clerk, Thomas Willen Clerk, Thomas Wilſon Clerk, James Worſley Clerk, John Whaley Clerk, Thomas Willan 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, widening, amending, and keeping in Repair, the ſaid Road, and likewiſe for putting in Execution all other Powers by this Act given and granted; 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 authorize and appoint, ſhall and may erect One or more Gate or Gates, Turnpike or Turnpikes, in or acroſs any Part or Parts of the ſaid Road, and ſhall and may from time to time remove the ſaid Gate or Gates, to any other Part or Parts of the ſaid Road, 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 demand and take at every ſuch Gate or Turnpike the following Tolls, before

Truſtees may erect Turnpikes and Toll-houſes, and take Toll thereat.

before any Horse, Mare, Gelding, Ox, Mule, Ass, Cattle, Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Hearse, Litter, Waggon, Wain, Cart, Dray, or other Carriage whatsoever, shall be permitted to pass through the same; that is to say,

For every Coach, Chariot, Landau, Berlin, Chaise, Calash, or Hearse, drawn by Six Horses, Mares, or Geldings, the Sum of One Shilling; and drawn by Three or Four Horses, Mares, or Geldings, the Sum of Eight Pence; and drawn by Two Horses, Mares, or Geldings, the Sum of Six Pence; and drawn by One Horse, Mare, or Gelding, the Sum of Three Pence. The Tolls.

For every Waggon, Wain, Cart, or Carriage, drawn by Five or more Horses, Mares, Geldings, Oxen, or other Cattle, the Sum of One Shilling; and drawn by Three or Four Horses, Mares, or Gelding, Oxen, or other Cattle, the Sum of Eight Pence; and by Two Horses, Mares, Geldings, Oxen, or other Cattle, the Sum of Six Pence; and drawn by One Horse, Mare, or Gelding, the Sum of Three Pence.

For every other Carriage not herein before charged, Eight Pence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny; provided that every Mare and Foal shall pay the Toll as One Horse.

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

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

Which respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; and the Money so to be raised and collected shall be and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, and disposed of, and assigned to and for the several Uses, Intents, and Purposes, and in such Manner, as are herein after mentioned and directed; and that it shall be lawful for the said Trustees, or any Five or more of them, or any such Person or Persons as they, or any Five or more of them, under their Hands and Seals, shall from time to time nominate and appoint, to demand and take the Tolls hereby granted and made payable, and to levy the same upon any such Person or Persons who shall (after Tolls vested in Trustees.

Demand

Demand made thereof) neglect or refuse to pay such Tolls or Duties as aforesaid, by Distress of any Horse or Horses, or any other Cattle or Goods upon which any Toll or Tolls is and are by this Act imposed, or by Distress of any other of the Goods and Chattles of such Person or Persons who ought to pay the same; and to detain such Goods and Chattles so distrained, until such Tolls and Duties, with the reasonable Charges attending such Distress, shall be paid; and such Person or Persons so distraining, after the Space of Five Days next after such Distress made and taken, shall and may sell the Goods so distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls or Duties, and reasonable Charges of distraining, keeping, and selling such Distress, shall be deducted.

Tolls may be levied by Distress and Sale.

Distress may be sold after 5 Days.

Provided always, and be it hereby declared and enacted, That it shall not be lawful for the said Trustees to erect more than Two Turnpikes or Gates across any Part of the said Road from Kelgate Bar to Hesle Ferry aforesaid; nor to erect any Turnpike or Gate across any Part of the said Road, extending from the Malton Guide Post aforesaid, to the Gravel Pit at the West End of Cottingham aforesaid.

Not more than 2 Turnpikes to be cross the Road.

Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, in any Case, who is not 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 Fifty Pounds, or possessed of a Personal Estate of the Amount or Value of One thousand two hundred Pounds, or shall be Heir Apparent to some Person having an Estate of the clear yearly Value of Two hundred Pounds: And if any Person, so made incapable, shall presume to act, every such Person, for every such Offence, shall forfeit the Sum of Fifty Pounds, to be recovered in a summary Way, before the Justices of the Peace at their Quarter Sessions for the County, Riding, or Place, where such Person so offending shall reside; and the Person so prosecuted shall prove that he is qualified as above, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act; One Moiety of which Forfeiture shall be paid to the Prosecutor, and the other Moiety thereof shall be applied in repairing the said Road.

Qualification of Trustees.

Penalty on acting if not qualified.

And

And be it further enacted, That out of the Money that shall be borrowed on the Credit of the Tolls hereby granted, or in case the same shall not be sufficient for that Purpose, then out of the Money arising by the said Tolls, the said Trustees, or any Five or more of them, shall in the First Place pay and discharge all the Expences and Costs of procuring and passing this Act, and shall apply the Remainder of the Money so raised in erecting Gates or Turnpikes and Toll-houses, and repairing, widening, and amending the said Road. Application of the Tolls.

Provided always, and be it enacted, That no Person shall be liable to pay more than One Toll for passing or repassing with the same Cattle or Carriage through the same Turnpike or Gate at any Time or Times during the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next Night. Toll to be paid but Once in a Day.

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to cause to be erected One or more Turnpike or Turnpikes on the Side or Sides of the said Road, and cross any Lane or Way leading into the same; and to cause such Tolls to be collected and levied thereat, as are appointed by this Act to be taken, so as the same do not extend to a double Charge, in case of passing through any other of the Turnpikes to be erected across the said Road. Trustees may erect Turnpikes, &c.

Provided always, and be it enacted, That no Gate or Turnpike shall be erected by virtue of this Act, upon any Part of the said Road between Kelgate Bar and Skidly Mill aforesaid; which Part of the said Road the said Trustees, or any Five or more of them, are hereby authorized and required to repair and amend, beginning at Kelgate Bar, and continuing such Repairs for the Space of Three Miles in the first Place, and before any other Part of the said Road, until Subscription shall be obtained for lending Two Thirds of the Money requisite for defraying the Charges and Expences of repairing such Part of the said Road; and that no Gate or Turnpike shall be erected upon any Part of the said Road between Skidby Mill aforesaid, and the said Ferry at Hesle aforesaid, until Subscription shall be obtained for lending Two Thirds of the Money requisite for defraying the Charges and Expences of repairing the last mentioned Part of the said Road; and in case the same shall be so subscribed within Twelve Months after the passing of this Act, then such Part of the said Road between Skidby Mill and Hesle Ferry aforesaid, shall in the next Place Exceptions to erecting Gates.

be repaired and amended; but in case such Subscriptions shall not be obtained for the Repairs of the same Part of the said Road within the Time aforesaid, then the said Trustees, or any Five or more of them, are authorized and required, from time to time, to apply the Money that shall be raised by virtue of this Act, after defraying the necessary Charges and Expences of obtaining this Act, and of repairing such Part of the said Road as lies between Kelgate Bar and Skidby Mill aforesaid, in and towards the repairing and keeping in Repair the said Road, extending from the Malton Guide Post, at or near the old Road from Beverley, to the said Gravel Pit at the West End of Cottingham aforesaid, so as in such Event to give the same a Preference in the Repairs hereby directed to be made to that Part of the said Road which extends from Skidby Mill to Hesle Ferry aforesaid.

No Turnpike to be nearer *Beverley* than Half a Mile.

Provided also, That no Turnpike or Gate shall be erected upon any Part of the said Road nearer to the Town of Beverley aforesaid than Half a Mile.

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

And be it further enacted, That if any Person or Persons shall, with any Horse, Mare, or Gelding, Ox, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Cart, or other Carriage, go or pass through any Ground, Parcel of Land, or other Place adjoining to or lying near the said Road, or any of the Gates or Turnpikes by virtue of this Act erected, the same not being a Common Road; or if any Owner or Occupier of any Ground, Land, Tenements, or Hereditaments, which shall adjoin or lie near to any of the said Gates or Turnpikes, shall knowingly permit, or suffer any Person or Persons, with any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Caravan, Hearse, Waggon, Cart, or other Carriage, to go or pass through the same Ground, Land, Tenement, or Hereditament; or if any Person or Persons shall, at any Time or Times, take off or cause to be taken off any Horse, Ass, Mule, or any other Sort of Cattle, from any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Cart, or other Carriage as aforesaid, whereby the Payment of any of the said Tolls shall be evaded, that then and in any of the Cases aforesaid, every Person so offending, and being thereof convicted by the Confession of the Party or Parties, or upon the Oath of One or more Witness or Witnesses, before One or more Justice or Justices of the Peace of

or taking off Horses, &c.

and for the County, Riding, or Place, where the said Offence or Offences shall be committed (which Oath such Justice or Justices is and are hereby impowered to administer) shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings; and One Moiety thereof shall be paid to the Informer or Informers of such Offence respectively, upon whose Oath or Oaths the said Offender or Offenders may be convicted, to and for his and their own Use and Uses, and the other Moiety thereof shall be applied towards amending the said Road.

No Tolls on Election Days.

Provided also, 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 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 Burgess or Burgesses to serve in Parliament for the Town of Beverley, or the Town of Kingston upon Hull aforesaid, shall pass and repass Toll-free through any Turnpike or Turnpikes which shall be erected in pursuance of this Act, on the Days of such Election or Elections, or on the Day before or Day after such Elections respectively shall begin and be concluded; any thing herein contained to the contrary notwithstanding.

No Tolls to be paid for crossing the Road.

And be it enacted, That no Gate or Turnpike shall be erected on the Side or Sides of the said Road, or in, upon, or cross, any Way or Lane leading out of the same, so as to charge any Person or Persons who shall only pass cross the Road directed to be repaired as aforesaid, or not travel more than Two hundred Yards thereon, with any Part of the Tolls to be levied or paid by virtue of this Act.

Roads to be measured, and Mile-stones erected.

Provided also, and be it further enacted, That the said Trustees, or any Five or more of them, shall and may cause the Road by this Act directed to be amended to be measured, and Stones or Posts to be erected upon the same, or in or near the Sides thereof, at the Distance of One Mile each from the other, in order to mark or denote the Distance of any one Town or Place from any other Town or Place, as to the said Trustees shall seem meet: And if any Person or Persons shall voluntarily and maliciously break any of the Stones or Posts, or any Part thereof, which shall be so erected and set up, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved, cut, or inscribed thereon, and shall be convicted thereof, by the Confession of the Party, or by the Oath of One

Penalty on defacing Mile-stones.

or more credible Witness or Witnesses, before One or more of the Justices of the Peace of the County, Riding, or Place, where the Offence shall be committed, every such Person so offending shall forfeit and pay the Sum of Forty Shillings; to be levied and recovered by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Justice or Justices 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 Forfeiture, the same shall be laid out in repairing the said Road; and in case the Person or Persons so offending and convicted shall have no Goods or Chattles, then it shall be lawful for any One or more of such Justices as aforesaid, by Warrant under his Hand and Seal, or their Hands and Seals, to commit such Person or Persons to the Common Gaol of the County, Riding, or Place, where such Offence shall be committed, 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 Collectors, &c.

And be it further enacted, That the said Trustees, or any Five or more of them, assembled at their First or any succeeding Meeting, by Writing under their Hands and Seals, shall and may choose and appoint One or more fit Person or Persons to be Receiver or Receivers, Collector or Collectors, of the Tolls or Duties aforesaid; and also One or more fit Person or Persons to be Surveyor or Surveyors, to view the Condition of the Road hereby directed to be repaired, and to see that the same be repaired, and that the Money by this Act to be raised be duly applied; and the said Trustees, or any Five or more of them, shall and may also appoint all such other Officers as shall be necessary or proper 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 their Stead 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 Rate 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

and remove them, and appoint others.

sons so appointed as aforesaid shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them, before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace for the County, Riding, or Place, residing near to the said Road (which Oath such Trustees, or any Five 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 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 any Writing or Writings under their Hands, authorize and impower to receive the same, and shall be disbursed and laid out in amending the said Road, and for other necessary Purposes relating thereto respectively, according to the true Meaning of this Act, and not otherwise; and the said Trustees, or any Five or more of them, shall and may, out of the Money arising by the said Tolls or Duties, make such Allowance to the Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, and to such other Officers, as shall be so appointed as aforesaid, for and in Consideration of his and their Care and Pains respectively taken in the Execution of his and their respective Office or Offices, and to such other Person and Persons as have been or shall be assisting in and about procuring the said Road to be amended and repaired, by advancing or laying out Money or otherwise relating thereto, as to the said Trustees, or any Five or more of them, shall seem just and reasonable: And in case any such Receiver, Surveyor, Collector, or other Officer, shall not give and make such Accounts and Payments of any Money which shall or have come to his Hands, as the said Trustees, or any Five or more of them, shall order, direct, or require; then any Two or more Justices of the Peace of the said County, Riding, or Place, residing near to the said Road, at any Special or other Sessions to be holden for the said County, Riding, or Place, in which the said Road doth lie, shall and may make Enquiry in a summary

Officers to account upon Oath.

Trustees may allow Officers Salaries.

Officers refusing to account.

Justices may enquire into the Default.

mary Manner, of or concerning such Default, as well by Examination of the Party or Parties making such Default, as by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath the said Justices are hereby impowered and required to administer without Fee or Reward;) and if any Person or Persons shall be convicted before such Justices of having neglected or refused to give such Account, or having given a false, defective, or imperfect Account, or of having neglected or refused to pay the Money due on such Account, within Twenty Days next after such Account shall be so given in, it shall be lawful for any Two or more of such Justices, to commit the Party or Parties so offending to the Common Gaol of the said County, Riding, or Place, 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.

and commit the Offender,

until Payment, or Composition made.

Surveyors may dig Gravel, &c.

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any Waste, or any Common, River, or Brook, of or in any Parish, Town, Village, or Hamlet, in or near which the Highway or Road by this Act directed to be repaired doth lie, as shall be proper for repairing and amending the said Road, without paying any thing for the same; such Surveyor or other Person filling up the Pits, and levelling the Ground, from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous for Passengers or Cattle: And where sufficient Materials shall not be found in any such Common or Waste Grounds as aforesaid, it shall be lawful for such Surveyor or Surveyors (by Order of the said Trustees, or any Five or more of them, in Writing under their Hands) to dig or gather the same out of the several Grounds of any Person or Persons (not being the Ground on which any House shall then stand, or 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

without paying for the same;

levelling the Pits, &c.

Materials may be taken from private Grounds;

where 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 Road aforesaid; paying such Rates for such Materials, and for the Damage done to the Owners and Occupiers respectively of the Grounds where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as the said Trustees appointed, or to be appointed, to put this Act in Execution, or any Five or more of them, shall judge reasonable: And in case of any Difference between such Owners or Occupiers and the said Trustees, touching such Damage as aforesaid, the Justices of the Peace of the County, Riding, or Place, where the Matter of such Complaint shall arise, at their General Quarter Sessions, or the major Part of such Justices then present, shall and may judge, 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 for the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them, to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his or their own Use or Uses; and to turn any Watercourses, Sinks, or Drains, running along, into, or out of, the said Roads, to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary, in case the Owners or Occupiers of the Premisses shall neglect to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, shall require, for the Space of Three Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors; and to cut down, lop, or top, any Trees, Shrubs, or Bushes, growing in the said Roads, or in the Hedges or Banks adjacent thereto, and to take, carry away, and sell, the Wood so cut, and apply the Money arising thereby in Repair of the Road whereon

Surveyors may remove Annoyances, &c.

the Owners neglecting to remove the same after Notice;

and cut down Trees, &c.

the same stood, in case the Owners or Occupiers shall neglect to lop or top, cut down and remove, such Trees, Shrubs, or Bushes, or reduce such Hedges, in such Manner as the said Trustees, or any Five or more of them, shall require, for the Space of Thirty Days next after Notice in Writing given for that Purpose, to be left at the Capital or Mansion House belonging to the Land on which the same shall stand, under the Hands of Five or more of the said Trustees; the Charges whereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied: And if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Five Pounds.

Charges to be reimbursed the Surveyor.

Penalty of a Second Offence.

To prevent leaving Waggons or Carriages on the Road.

And be it further enacted, That if any Person shall leave any Waggon, Cart, or other Carriage, in, upon, or on the Side of, any Part of the said Road, without any Horse or other Beast of Draught yoked thereto, or to draw the same; or shall knowingly or wilfully lay any Sort of Timber, or any Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, in any Part of the said Road, or on the Side or Sides thereof, to the Prejudice or Annoyance thereof; every Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Surveyors may make Causeways, &c.

and erect Bridges, &c.

making Satisfaction to the Owners.

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, any Causeway or Causeways, and to cut and make Drains through any Ground lying contiguous to the Road hereby directed to be repaired; and to make and erect Arches or Bridges of Brick, Timber, or Stone, upon the same Road; and to divert and turn the said Road over any Part of any Common or Waste Ground contiguous and adjoining thereto, or through which the same Road doth now lead; and also to cause Ditches or Fences 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 Road aforesaid in good Repair; making such Satisfaction to the Owners and Occupiers of such Ground respectively through

which

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 Damage which such Owners or Occupiers shall or may thereby sustain, as shall be judged to be just or 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 be lawful for the said Justices of the Peace of the County, Riding, or Place, where such Damages shall happen, at their next General Quarter Sessions of the Peace, to be holden for the said County, Riding, or Place, or the major Part of such Justices then present, to hear, settle, adjudge, and finally determine the same: And if any Owner or Owners, Occupier or Occupiers, of any Watercourse or Watercourses, Ditch or Ditches, adjoining to the said Road, shall neglect or refuse to scour and cleanse such Watercourse or Watercourses, or to make such Ditch or Ditches of such Dimensions 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 for that Purpose by such Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, to such Owner or Owners, Occupier or Occupiers; it shall be lawful for such Surveyor or Surveyors to employ any Labourer or Labourers to scour, cleanse, or deepen, the same; and by Warrant from any Justice of the Peace for the District or Place where the Offence shall be committed, to levy the Charges and Expences of doing the same by Distress and Sale of the Goods and Chattles of the Owner or Owners, Occupier or Occupiers, of such Watercourse or Watercourses, Ditch or Ditches, rendering the Overplus (if any, after all Charges of such Distress and Sale shall be thereout deducted) to the said Owner or Owners, Occupier or Occupiers, when by him, her, or them demanded.

Justices to determine Differences.

Owners neglecting to scour their Watercourses, after Notice,

Surveyors may cleanse the same,

and levy the Charges by Distress and Sale.

And whereas some Parts of the said Roads may be so narrow or so sounderous, that Horses, Coaches, Carts, or Carriages, cannot safely pass along such Parts of the said Road whilst the same shall be repairing; be it therefore enacted, That it shall be lawful 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 into, through, and out of any Grounds or Lands, lying contiguous to

Surveyors may make a temporary Road;

any such narrow or founderous Part or Parts of the said Road (not being the Ground on which any House shall then stand, or a Garden, Orchard, Park, planted Walk, or Avenue to any House, or Nursery of Trees already planted) to be made use of by all Passengers, with Horses and other Cattle, Coaches, Carts, and other Carriages, as a publick Highway, whilst the Old Road adjoining shall be putting in Repair, 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 Differences shall be heard, settled, and finally determined, by the Justices of the Peace for the County, Riding, or Place, where such Difference shall happen, at their next General Quarter Sessions, in such Manner as is above expressed with respect to the Damages to be done by making Causeways, cutting of Drains, and erecting Arches and Bridges as aforesaid.

making Satisfaction to the Owners.

Justices to determine Differences.

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

And be it further enacted, 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 Road hereby directed to be repaired, 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, or agree, for the Purchase of any Lands, Grounds, or Hereditaments, lying contiguous or near to the said Road, and for the Loss or Damage the Owners or Occupiers thereof, or any of them, shall or may any way sustain by such widening, altering, or turning, such Road, and to pay for the same out of the respective Tolls and Duties by this Act granted, or out of the Money to be borrowed on the Credit thereof, such Sum or Sums of Money as shall be agreed upon between such Owners, 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

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

the said Trustees, or any Five or more of them, be laid into, and made Part of, the last mentioned 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 amended and kept in Repair by the Laws now in being: And after such Purchase shall be made as aforesaid, such Part or Parts of the old or former Road in lieu whereof such Lands or Grounds shall be purchased for such new Road as aforesaid, unless the same lead 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 Road 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 with the Clerk of the Peace of the said County, Riding, or Place, where such Part of the said Old shall lie, shall be effectual to all Intents and Purposes whatsoever.

And esteemed a publick Highway.

Old Road may be sold.

Application of the Monies.

And, for the removing all Difficulties which might arise to obstruct such Contracts, be it hereby further enacted, That it shall be lawful for all Bodies Politic and Corporate, and all Trustees, Executors, Administrators, Husbands, Guardians, and Committees of Ideots and Lunatics, for and on the Behalf, and in Right of any Infants, Femes Covert, Ideots, Lunatics, and other Person or Persons being under any other legal Disability, who are or shall be seized or possessed of, or interested in any such Lands, Grounds, or Hereditaments, as aforesaid, to treat, contract, or 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 Purposes aforesaid, and to sell and convey the same 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; any Law, Statute, or Usage, to the contrary

Bodies Politick, &c. to contract for the Sale of Lands, &c.

trary 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 for Sale of Lands, &c.

And be it further enacted, 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 convenient Notice to them respectively 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 Bodies Politic, Corporate or Collegiate, 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 Road as aforesaid, or over which the said Road shall be so turned or altered as aforesaid, shall, by the Space of Twenty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating; then, and in every such Case, the said Trustees, or any Five or more of them, shall cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men, which Oaths the said Trustees, or any Five or more of them, are hereby impowered and required to administer, what Damages shall be sustained by, and what Recompence or Satisfaction shall be made to, such Owners or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Road; 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 such Person or Persons whatsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses 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 enquired of, ascertained and settled such Damages

Damage and Recompence to be settled by a Jury.

Witnesses may be summoned, and examined upon Oath.

mages and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, or 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 Verdict or Inquisition, and 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, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Couert, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, and all other Persons whatsoever; 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 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 impannel, summon, and return, such Twenty four Persons accordingly, and out of the Persons so impanneled, 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.

Verdict of the Jury to be final.

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

Provided always, and be it further enacted and declared, That all Persons concerned shall from time to time, and at all Times, have their lawful Challenges against any of the Jurymen to be summoned in pursuance of

Jurors may be challenged.

this Act, in such and the like Manner as any Party in any Action brought or to be brought or depending in any of his Majesty's Courts of Record at Westminster, is or shall be by Law intitled to: And the said Trustees, or any Five or more of them, are hereby impowered from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Bailiffs respectively, who shall make Default in the Premisses; as also on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear, or after having appeared, shall refuse to be sworn in the said Jury, or after having been sworn, shall refuse, or not give in his or their Verdict of or upon the Matter in Question, or the Damages he or they shall be sworn to try or to enquire 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 concerning the Premisses, shall refuse to be examined, or to give such Evidence or Testimony; provided no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One single Offence; and such Fine shall be levied, recovered, and applied, in such and the like Manner as any other Fines or Penalties is or are by this Act directed to be levied, recovered, and applied.

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

Fines not to exceed 10 *l.*

And, forasmuch as the Money to be collected by the Receipt of the said Tolls, by this Act made payable as aforesaid, will not at present be sufficient for the speedy Repairs of the said Road hereby directed to be repaired, be it further enacted, That the said Trustees, or any Five 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 of such Tolls, 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 or lend the same, in order to secure the Payment thereof, with Interest; which 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 on the Credit of the Tolls hereby granted after their First Meeting held by virtue

Tolls may be assigned for Money borrowed.

Notice to be given of borrowing Money.

of

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 borne and paid out of the Tolls and Duties so to be mortgaged or assigned.

Assignments to be entered in a Book.

And be it further enacted, That all and every Mortgage or Mortgages, Assignment or Assignments, to be made by the said Trustees, shall be copied and entered at Length in the Book or Books to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers, of the said Road; which Book or Books shall and may be seen and perused, at all seasonable Times, by any Person or Persons whatsoever, without Fee or Reward.

Assignments may be transferred.

And be it further enacted, That all and every Person or Persons, to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made by the said Trustees, or any Five or more of them, as a Security for any Sum or Sums of Money by any Person or Persons 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 One or more credible Witness or Witnesses, assign or transfer any such Security, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest, to the Principal and Interest-money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which 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 Date, 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 take 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 making such

Entries to be made of all Assignments.

such Assignments to release or discharge the same, or any Monies thereby due, or any Part thereof.

Trustees may lease, &c. the Tolls.

And be it further enacted, 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 in the publick Book of the said Trustees, demise and let the Tolls to be collected at any Turnpike-gate or Gates, Toll-bar or Bars, to be erected upon the Road by this Act intended to be repaired, for any Term not exceeding One Year on such 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 Road 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 Turnpikes, Toll-bars, or Gates, which shall be erected upon the same Road; and that the Money that 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 lay down One Quarter's Pay in Advance; and if upon any Letting, or Agreement for letting the said Tolls, or any Part or Parts thereof, any Default shall be made in Payment of the Money agreed to be paid for the same in Advance, contrary to the true Meaning of this Act; then every such Letting and Agreement shall be void, and then 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 are by this Act directed or provided for the accounting for the said Tolls by the Collector thereof, or for Monies had and received by any Person or Persons and unaccounted for or unpaid, and for levying and recovering the same upon any of them.

Penalty on Persons disposing of Tickets, &c.

And, for preventing fraudulent Contrivances to avoid the Payment of any of the said Tolls or Duties, be it further enacted, That if any Person or Persons having paid the Tolls by this Act required to be paid, and having such Note or Ticket, Notes or Tickets, as is and are hereby directed to be given, shall give or dispose of the same to any other Person or Persons, in order to avoid the Payment of the said Tolls, every such Person so giving or disposing of such Note or Ticket, Notes or Tickets, and the Person receiving the same,

being thereof convicted upon Oath, before One or more Justice or Justices for the County, Riding, or Place, where such Offence shall be committed, (which Oath the said Justice or Justices is and are hereby impowered to administer) shall respectively forfeit and pay the Sum of Twenty Shillings; to be levied, recovered, and disposed of, as any other Penalty or Forfeiture is directed to be levied, recovered, and disposed of, by this Act.

Exemptions from Toll.

Provided always, and be it hereby declared and enacted, That no Person or Persons shall be charged with any of the Tolls aforesaid, who shall pass through any of the Turnpikes which shall be erected by virtue of this Act, with any Horse, Mare, Gelding, Mule, Ass, Waggon, Cart, or other Carriage, which shall carry or draw any Quantity of Stones, Gravel, or other Materials, for repairing the Road hereby intended to be repaired, or for amending any of the Highways in the Parishes or Townships in which the same Road shall 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 aforesaid be demanded or taken for any Horses or Mares, Carts or Wains, Waggons or other Carriages, conveying any Hay, Straw, or Corn, or Corn in the Straw, to be laid up in the Houses, Out-houses, Garths, or Barns, of or belonging to the respective Growers thereof, being Inhabitants of the several Parishes, Townships, or Places, in which the said Road hereby intended to be repaired doth lie; nor for any Ploughs, Harrows, or other Implements of Husbandry, or any other 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, Geldings, Mares, or Cattle, going to, or returning from, Pasture or Watering Places belonging to such Parishes, Townships, or Places; nor shall any Toll 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

Penalty on making illegal Claims.

aforesaid, not being intitled to the same, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

Trustees may compound for Statute-work.

Provided also, and be it further enacted, That it shall be lawful for the said Trustees, or any Five 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 Road so directed to be repaired as aforesaid, 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 Road, 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; the several Sums of Money at and for which such Statute or other Work shall be so compounded, being paid down at the respective Times of making such Composition.

Composition-money how to be recovered.

Provided always, and be it enacted, That in case any Composition-money agreed to be paid for and in lieu of any Work or Repairs to be done by any Owners, Occupiers, or Possessors, of any Lands, Tenements, or Hereditaments, or such Bodies Politick or Corporate, liable or chargeable by Tenure of Lands as aforesaid, shall not be paid within Fourteen Days next after the same shall become payable according to such Composition or Agreement; that then it shall be lawful for any One or more Justice or Justices of the Peace for the County, Riding, or Place, within which the Person so making Default shall reside, by Warrant under his or their Hand and Seal, or Hands and Seals, to impower any Person or Persons, authorized by the said Trustees, or any Five or more of them, to receive such Composition-money (Oath being first made that the same has been demanded, and remains unpaid, which Oath the said Justice or Justices is and are hereby impowered and required to administer) to levy such Composition-money by Distress and Sale of the Goods of the Person and Persons so having compounded for or in respect of the said particular Work or Repairs to be done as aforesaid, returning the Overplus (if any be and demanded) after the Charges of such Distress and Sale thereof first deducted.

Provided

Provided always, and be it hereby enacted, That the said Trustees hereby appointed, and their Successors, or any Five or more of them, may, if they think fit, at any Time or Times during the Continuance of this Act, lessen, vary, or alter, any of the Tolls hereby granted and made payable, and order and direct the same to be collected, received, and taken, in such Manner, Parts, and Proportions, as they shall think proper, any thing herein contained to the contrary notwithstanding; so as such Reduction, Variation, or Alteration, be no Prejudice to any Person who shall advance any Money on the Credit of the said Tolls, or shall be with the Consent of the Person or Persons who at the Time of such Reduction shall be intitled to any Money secured thereon, and so as the Whole Toll to be taken for any Carriage or Cattle do not exceed the Tolls by this Act granted. Trustees may lessen the Tolls,

Provided also, That if at any Time or Times after such Reduction or Lessening of the said Tolls as aforesaid, the Tolls so reduced or lessened shall not be found sufficient to answer the Purposes intended by this Act; then it shall be lawful for the said Trustees, or any Five or more of them, to advance and raise the said Tolls, or any of them, to the Sum herein before by this Act directed to be taken and paid; any thing herein contained to the contrary thereof notwithstanding. and raise them again.

And be it hereby further enacted, That if it shall appear to the said Trustees, or any Five or more of them, that any Lands, Tenements, or Hereditaments, or any Rents or Profits issuing out of any Lands, Tenements, or Hereditaments, now are, or shall be hereafter, liable and chargeable towards the repairing and amending the said Road, or any Part thereof, by this Act directed to be repaired; such Lands, Tenements, and Hereditaments, shall still remain liable and chargeable, and the Possessors or Occupiers of such Lands, Tenements, and Hereditaments, 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 be lawful for any Justice of the Peace for the District or Place 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 upon the said Road, and the Money to Lands, &c. chargeable to the Road, &c. to continue so.

be borrowed on the Credit thereof, are in this Act directed to be applied and disposed of.

Persons chargeable to the Highways to continue so.

Provided also, and be it further enacted, That all and every Person or Persons, who by Law is and are chargeable towards the repairing and amending the Road hereby intended to be repaired, shall still remain chargeable, and do their respective Works in the said Parishes, Townships, or Places, wherein the said Road doth lie, in such Manner as he and they ought to have done before the passing of this Act.

Justices may determine Statute-work.

And, for preventing 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 Road intended to be repaired doth lead, touching what Proportion of the Statute-work, not exceeding Two Days Work in each Year for any Parish or Place, ought to be done on the said Road lying in any such Parish or Place respectively, be it further enacted, That it shall be lawful for any Two or more of the Justices of the Peace of the County or Riding where the Matter of Complaint shall arise, 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 on the said Road by the Inhabitants of each or any of the Parishes, Townships, Hamlets, or Places, in which the said Road doth lie.

Justices may hold a Petty Sessions.

And be it further enacted, That it shall be lawful for any Two or more of the Justices of the Peace for the said East Riding at any Time or Times to hold a Petty or Special Sessions of the Peace for the said Riding, at or in the Town of Kinston upon Hull, for the Purpose only of adjudging and determining what Part or Proportion of the Statute-work in the Road hereby directed to be amended and repaired shall be done by the respective Inhabitants of each or any of the Parishes, Townships, Hamlets, or Places, in which any Part of the Road doth lie; and that any Two or more of the said Justices may hold such Petty Sessions, either in the said Riding, or in the said Town of Kingston upon Hull, upon Application for that Purpose by any Two or more of the said Trustees; any other Law, Usage, or Custom, to the contrary thereof notwithstanding.

And to the End that the said Statute-work so to be appointed and determined to be done on the said Road

may

may be duly performed, be it further enacted, That the several and respective Surveyors of the Highways for the time being of the several and respective Townships and Districts within which the Road by this Act intended to be repaired doth 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 several 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 within their several and respective Townships and Districts to do and perform such Part of their Statute-work, on the Road or Highway directed to be repaired by this Act leading through the said several and respective Townships and Districts, as shall be appointed as aforesaid; and shall on the said Days as appointed by such Notice give their Attendance, and take Care that all and every Person and Persons so chargeable as aforesaid do and perform the said Work as by Law and such Appointment they are required, and on such Parts of the said Road within their respective Townships and Districts as the said Trustees, or any Five or more of them, shall direct; and such Surveyor or Surveyors for such respective Townships and Districts shall, within Ten Days after Demand in Writing given to or left for him or them as aforesaid, under the Hands of any Five or more of the said Trustees, give and deliver unto such Person or Persons as they the said Trustees shall appoint a true List, according to the best of his or their Knowledge, and upon Oath, if thereunto required by the said Trustees, (which Oath any Justice of the Peace for the said County, Riding, or Place, where such Surveyor or Surveyors respectively shall reside, 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 what he or they 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 or 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 Road, shall, after Summons or Publick Notice,

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

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

Penalty on Persons not performing Statute-work.

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 Road, directed to be repaired by this Act, leading through their said 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 chargeable towards repairing the said Road 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, 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 Labourers, &c.

And whereas so much of the Road intended to be repaired by virtue of this Act as extends from the South End of Kirk Ella Lane to the West End of the Middle Lane of Anlaby aforesaid, is Part of the Turnpike Road from the Town of Kingston upon Hull to and through Anlaby, and from thence to the Town of Kirk Ella aforesaid; be it therefore enacted, That from and immediately after such Subscription shall be raised as abovementioned for the Repairs of the said Road extending from Skidby Mill to Hessle Ferry aforesaid, then, and from time to time, such Part of the said Road as leads from the South End of Kirk Ella Lane to the West End of the Middle Lane of Anlaby aforesaid, shall be repaired and amended at the joint and equal Expence of the Trustees appointed by this Act, and of the Trustees appointed by the several Acts of Parliament now in Force for repairing the said Road from the Town of Kingston upon Hull to and through Anlaby, and from thence to the Town of Kirk Ella aforesaid; any thing herein contained to the contrary notwithstanding.

Provision for repairing the Road from *Kirk Ella* Lane to the Middle Lane of *Anlaby*.

Provided nevertheless, and it is hereby declared and enacted, That no Gate or Turnpike shall be placed or erected by the Trustees appointed by virtue of this Act, or of the said recited Acts of Parliament, for repairing the Road from Kingston upon Hull to Anlaby and Kirk Ella aforesaid, upon or on the Sides of any Part of the said Road, so extending from the South End of Kirk Ella Lane to the West End of the Middle Lane of Anlaby aforesaid.

No Gate to be erected on the said Road.

And

And be it further enacted, That such Bridges, Drains, and Sewers, lying and being in the said Road which have been heretofore, and ought to be, maintained and repaired by any Person or Persons, or Body Corporate, by Tenure, Custom, or otherwise, shall from time to time be repaired, maintained, and kept in Repair, by the Owner or Owners of such particular Lands, or by such Corporation as are respectively liable to the said Repairs; any thing herein contained to the contrary notwithstanding.

Owners of particular Lands, &c. to keep in Repair Bridges, Drains, and Sewers, as usual.

And be it further enacted, 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 County, Riding, or Place, where such Penalty or Forfeiture shall be incurred, by or on the Oath or Oaths of One or more Witness or Witnesses, such Justice may and is hereby required to issue his Warrant or Warrants, under his Hand and Seal, for the apprehending and bringing such Person or Persons before him, or some other Justice of the Peace of the said County, Riding, or Place, to answer the Matter of the said Complaint or Complaints; and the Justice before whom such Person or Persons shall be so brought, or if the said Person or Persons cannot easily be met with or found, then upon leaving a Summons from and under the Hand and Seal of such Justice, which he is hereby in such Case required to issue, at the last and usual Place of Abode of such Person or Persons, thereby setting forth the Nature of the said Complaint or Complaints, and appointing a Time and Place for the said Person or Persons to appear and answer the same before such Justice (such Summons being so left Three clear Days before the Time appointed for such Appearance) such Justice, even if the said Person or Persons being so summoned shall not appear, may and is hereby required to enquire into the Causes and Matters of the said Complaint or Complaints in a summary Way; and either by the Confession of the said Person or Persons, or on the Evidence of One or more Witness or Witnesses on Oath as aforesaid, if he shall see Cause, convict the said Person or Persons of such Offence or Offences, and in the Penalties or Forfeitures by him or them respectively incurred in these Respects; and for Non-payment thereof, though the same shall not be demanded,

Justices impowered to issue Warrants for bringing Offenders before them, Oath being made of the Offence; and to proceed to Conviction in a summary Way.

Forfeitures may be levied by Distress and Sale;

shall

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 Chattels of such Offender or Offenders, rendering the Overplus (if any) after Payment of such Penalties and Forfeitures, and the Charges of the said Distress and Sale, to the said Offender or Offenders respectively, if demanded; 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, and for committing him or them to the Common Gaol of the County, Riding, or Place, where he, she, or they, shall be so apprehended, there to remain without Bail or Mainprize, until the said Penalties or Forfeitures, and Charges, or the Arrears thereof, shall be paid, or until such Offender or Offenders shall have compounded for the same with the said Trustees, and paid such Composition to them, and which Composition the said Trustees, or any Five or more of them, are hereby impowered to make and receive; and upon Receipt thereof, to discharge the said Offender or Offenders from the said Penalties or Forfeitures and Charges; and all Penalties and Forfeitures by this Act imposed, other than and except such or such Parts thereof as are by this Act otherwise directed to be paid, shall be paid to the said Trustees, and shall be by them applied in the Repairs of such Part of the said Road in respect whereof such Penalties or Forfeitures respectively shall be incurred, in like Manner as the other Monies to be raised by virtue of this Act are hereby directed to be applied.

and for want of Distress Offender may be committed.

Property of Turnpikes and Toll-houses vested in Trustees.

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

Tolls to continue for 21 Years.

And be it further enacted, That this Act, and all the Powers hereby granted and given, shall take place from and after the Eleventh Day of May, One thousand seven hundred and sixty nine; and shall continue and be in

in Force for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Provided always, and be it further enacted and declared, 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 the Mayor, or One of the Aldermen of the Town and County of the Town of Kingston upon Hull, or of the said Town of Beverley; such Trustee or Trustees shall and may act as a Justice or Justices of the Peace within their respective Jurisdictions, for the effectual putting in Execution the several Authorities and Powers given in and by this present Act, notwithstanding such Justice or Justices is, are, or shall be, a Trustee or Trustees as aforesaid. Trustees in Commission of the Peace to act as Justices.

And, for the continuing a sufficient Number of Trustees to put this Act in Execution, be it further enacted, That when and so often as any Trustee or Trustees shall die, remove, or refuse to act, or become an Alderman of the Town of Kingston upon Hull, or of the Town of Beverley aforesaid, it shall be lawful for the surviving and remaining Trustees, or any Five or more of them, by any Writing under their Hands and Seals, from time to time, during the Continuance of the Term hereby granted, to elect, nominate, and appoint, One or more fit Person or Persons living in the said East Riding, or in the said Town and County of the Town of Kingston upon Hull, or in the said Town of Beverley, in the Room and Place of such Trustee or Trustees so dying or refusing to act, or becoming an Alderman as aforesaid; and such Person or Persons so elected, or 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; but Notice of the Time and Place of Meeting for the Election of such new Trustee or Trustees shall be given in Writing, signed by the Clerk to the said Trustees, to be fixed at or on the Turnpike or Turnpikes which shall be erected by virtue of this Act, at least Fourteen Days before the 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, to all Intents and Purposes, in as full and ample Manner On Death or Refusal, others to be chosen.

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

Time and Place of Trustees Meeting.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the Tyger Inn in Beverley aforesaid on the Eleventh Day of May, One thousand seven hundred and sixty nine; and shall then, and from time to time afterwards, adjourn themselves to and meet at such Place 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 Meeting which shall be appointed by the said Trustees, a sufficient Number of Trustees to act at such Meeting, and to adjourn to another Day, or in case the Trustees at any Time so assembled shall omit or neglect to adjourn themselves, then; and in every such Case, the Clerk to the said Trustees, or any One of the said Trustees, by Notice in Writing under his or their Hand or Hands, to be fixed 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 by a less Number than Eleven, and unless the Person or Persons applying to revoke or alter any such Order shall give Notice in Writing to the Clerk of the said Trustees, to be by him fixed upon all the Turnpike-gates then standing upon the said Road, at least Fourteen Days previous to any Meeting to be held for such Purpose.

No Order to be made unless a Majority of Trustees shall concur therein; nor revoked unless Eleven be present.

Meetings may be called upon an Emergency.

Provided always, That if upon any Emergency a Meeting of the said Trustees shall be necessary to be held at any other Time than that which shall be appointed by the said Trustees, or any Five or more of them, or by the Clerk to the said Trustees as aforesaid; or in

case

Case there shall be any Neglect or Default of any such Appointment or Notice of Meeting as aforesaid; then, and in every such Case, it shall be lawful for the said Trustees, or any Five or more of them, by Writing under their Hands, to appoint a Meeting of the said Trustees for the Execution of this Act, at such Place in or near the said Road, and at such Time as they shall think fit, causing Seven Days Notice at least in Writing, to be affixed on all the said Turnpike-gates, of the Time and Place of such Meeting; which Meeting may be adjourned in like Manner as any other Meeting by this Act appointed to be adjourned; and in case such Meeting shall be appointed for any particular Business to be then done, the same shall be specified in such Notice, and no other Business shall be done or transacted at such Meeting; and if any other Business shall be done or transacted excepting what shall be specified, the same shall be void and of none Effect.

Trustee not to accept a Place of Profit.

Provided always, and it is hereby declared and enacted, That no Person or Persons, appointed or to be appointed a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of or by reason of any of the Tolls or Duties by this Act granted and made payable; but such Person or Persons shall be incapable of acting as a Trustee or Trustees, from the Time of his or their accepting, and during his and their Enjoyment of such Place of Profit as aforesaid.

No Victualler, &c. to hold a 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 any Goods for Hire, or use the Occupation of a Common Carrier, shall be capable of holding or enjoying any Office or Place of Trust under this Act.

Writings to be without Stamps.

Provided always, and be it further enacted, 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, concerning or in Execution of any of the Powers or 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.

Provided

Persons aggrieved may appeal to the Quarter Sessions.

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

Notice of Appeal to be given.

Provided always, and be it further enacted, That no Order made 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 not to be quashed for want of Form, nor removeable by *Certiorari*.

And be it further enacted, That the said Trustees, or any Five or more of them, are hereby required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his or their said Office, as to the said Trustees, or any Five or more of them, shall seem meet.

Treasurer to give Security.

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

Limitation of Actions.

General Issue.

Treble Costs.

3

Publick Act. And be it further enacted, 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.