

George the Second, and the Fourth Year of the Reign of His present Majesty, for repairing the Road between the Town of Kingston upon Hull and the Town of Beverley, in the East Riding of the County of York, and for repairing the Road from Newland Bridge to the West End of the Town of Cottingham, in the said Riding: And whereas the Trustees appointed in and by virtue of the said Acts, have borrowed on the Credit thereof several considerable Sums of Money, the greater Part of which Money still remains due and cannot be repaid, nor the said Roads effectually amended and kept in Repair, unless the Term of the said Acts be further continued, and some of the Powers and Provisions thereof amended and enlarged: 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 said recited Acts of the Seventeenth Year of His said late Majesty King George the Second, and the Fourth and Thirty-second Years of His present Majesty, and the Tolls and Duties thereby respectively granted, and all and every the Clauses, Powers, Authorities, Provisions, Articles, Rules, Penalties, Orders, and Directions therein contained, (except such as relate to Exemptions from Stamp Duties, and such as are hereby varied or altered), shall be and are hereby continued for and during the Term herein-after mentioned, in as full and ample a Manner as if the same were repeated and re-enacted in the Body of this Act; and that the additional Term hereby granted, shall be and is hereby declared to be subject and liable to the Payment of all Monies due, or that shall hereafter become due, on the Credit of the said recited Acts and this Act, and of all Interest due and to grow due thereon.

Term enlarged.

Trustees under former Acts to act under this.

II. And be it further enacted, That the Trustees appointed or to be appointed in or by virtue of the said recited Acts, shall be and are hereby declared to be Trustees for putting this Act and the said recited Acts in Execution.

No Trustee to vote in the Appointment of any Officer, unless he have acted in a certain Time before.

III. And be it further enacted, That no Trustee shall be allowed to vote at the Election or Appointment of any Officer or Person to hold any Office or Place of Trust or Profit under the said Trustees, by whatsoever Name he shall be described or called, unless such Trustee shall have been present at some Meeting of the Trustees held within Three Years preceding the Death, Resignation, or Removal of the last Officer, or in case the Office shall be of new Appointment, then preceding the Meeting at which such new Appointment shall be made or determined upon, and unless the Presence of such Trustee at some such Meeting as aforesaid shall be ascertained by his Name appearing in the Book or Books kept for the Purpose of entering all Proceedings of the Trustees, as being present on the Days of Meeting.

Trustees may sue and be sued in the Name of their Treasurer or Clerk.

IV. And be it further enacted, That in all Actions, Causes, Suits, Bills, Plaints, Indictments, Prosecutions, Informations, Trials at Law, Appeals, and other Proceedings whatsoever, to be had, brought, prosecuted, or defended in pursuance of this Act or the said recited Acts, the said Trustees may sue and be sued in the Name of their Treasurer or Treasurers, or Clerk or Clerks; and that no Action, Suit, Proceeding, Information, Appeal,

Appeal, or other Proceeding, to be had, taken, prosecuted, or defended by or against the said Trustees, or any of them, by virtue of this or the said recited Acts or either of them, shall abate or be discontinued by the Death or Removal of any such Treasurer or Treasurers, or Clerk or Clerks, but that the Treasurer or Treasurers, or Clerk or Clerks for the Time being to the said Trustees, shall always be deemed the Plaintiff or Plaintiffs, Prosecutor or Prosecutors, Informant or Informants, Appellant or Appellants, Defendant or Defendants, Respondent or Respondents, in any such Action, Suit, Prosecution, Information, Appeal, or other Proceeding, as the Case shall be: Provided always, that all and every such Treasurers and Clerks, in whose Names or Name any such Action, Suit, Prosecution, Information, Appeal, or other Proceeding, shall be brought, had, taken, prosecuted, or defended, in pursuance of this Act or the said recited Acts, shall be fully reimbursed and paid, out of the Monies arising by virtue of this or the said recited Acts, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action, Suit, Prosecution, Information, Appeal, or other Proceedings, he or they shall pay, bear, sustain, expend, or be put unto, or become chargeable with or liable for, or be fairly entitled to by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants, Informant or Informants, Appellant or Appellants, Respondent or Respondents, as aforesaid.

V. And be it further enacted, That if at any Time during the Term hereby granted, it shall be deemed proper by the said Trustees to remove all or any of the Turnpikes or Gates now erected and standing upon any Part of the said Roads to any other Part or Parts thereof, or to erect any additional Gates or Toll Bars upon, across, or on the Side or Sides of the said Roads, or across any Lane or Way leading out of the same, it shall be lawful for them the said Trustees, and they are hereby authorized and empowered to order and direct such Removal, or an additional Gate or Toll Bar, or additional Gates or Toll Bars, to be built and erected upon, across, or on the Side or Sides of the said Road, upon such Part or Parts thereof as they shall think expedient, and also a Toll House or Toll Houses, with suitable Outbuildings and Conveniences, at or near the said Gate or Gates, Toll Bar or Toll Bars; provided the same be done at a Meeting, of which Twenty-one Days Notice shall have been given on all the Turnpikes then standing on the said Roads, and such Notice expressing the Purpose of such Meeting; provided nevertheless, that no greater Number of Tolls shall be demanded or taken for passing along the whole of the said Roads than are authorized to be demanded and taken at any Gate erected by virtue of the said recited Acts or any of them.

Power to remove the present and erect additional Toll Bars.

VI. And be it further enacted, That if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Bar Keeper or Collector, or his, her, or their Assistant or Assistants, authorized to collect such Tolls, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall find necessary, to follow after and seize or distrain any Horse, Beast, or other Cattle, upon which any such Toll is by the said recited Acts or either of them imposed, or by this Act authorized to be taken, together with their Bridles, Saddles,

Power of Distress upon the Goods and Chattels of those Persons who refuse to pay Tolls, &c.

Gears,

Gears, Harness, or Accoutrements, (except the Bridle or Reins of any such Horse or other Beast, separate from such Horse or other Beast), or any Carriage in respect of the Horses or Beasts drawing the same, on which Carriage such Toll is by the said recited Acts or any of them imposed, or by this Act authorized to be taken; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within Four Days after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Horse or Horses, Beast or Beasts, Carriage, or other Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any), and what shall remain unpaid, upon Demand to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

Disputes concerning Tolls to be settled by a Justice of the Peace.

VII. Provided always, and be it further enacted, That if any Dispute shall happen about the Amount of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collectors or Persons distraining to retain the same, or the Money arising from the Sale thereof (as the Case shall be), until the Amount of the Tolls due, and the Charges of seizing, distraining, keeping and selling (as the Case shall be) shall be ascertained by some Justice or Justices of the Peace having Jurisdiction in the Place where the Cause of Dispute shall arise, and not individually interested, who upon Application made to him or them for that Purpose, shall examine the Matter on Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Tolls due, and also assess the Charges of such Seizure, Distress, Keeping and Sale, and also of the Collector's Attendance for that Purpose on the said Justice or Justices; all which Sums, so determined or assessed, shall be paid to the said Collectors or other Persons, before he or they shall be obliged to return the Distress or Overplus after the Sale thereof, or of any Part thereof.

Collectors of Tolls not to be deemed incompetent Witnesses.

VIII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit or Litigation, by reason of his, her or their being appointed to collect such Tolls, or by reason of his, her or their acting under the Authority of the said Trustees.

Penalties on Collectors taking undue Tolls.

IX. And be it further enacted, That if any Farmer, Renter or Collector of any of the said Tolls, shall demand and take, or cause to be demanded and taken from any Person or Persons, any Toll not by the said recited Acts authorized to be taken, or a greater or less Toll than so authorized, such Farmer, Renter or Collector, shall for every such Offence forfeit any Sum not exceeding Five Pounds; and every such Collector, not being the Farmer or Renter, shall for every such Offence forfeit any Sum not exceeding Forty Shillings; such Forfeitures respectively to be recovered and applied in such Manner as is herein-before directed, with respect to the Penalties to be inflicted upon Persons evading or endeavouring to evade the Payment of any of the Tolls hereby granted.

X. Pro-

X. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty, to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Roads, or any of the Roads in the Townships or Parishes in which any Part of the said Roads lies; or with Seed for seeding the Ground; or Hay, Turnips, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Out-houses, or Yards, or on the Lands of the Owners thereof; or for any Horse, Beast or other Cattle, or Carriage employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure employed in Husbandry for manuring or improving Lands, or any other Thing employed in the Management of any Farm or Lands; or for any Horses or other Beasts going to or returning from Pasture or Watering-place, or going to be or returning from being shod or farried; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worship on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Roads lie; or from any Clergyman going to visit, or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses or other Beast, or any Cart, Carriage or Waggon, employed in carrying or conveying or returning therefrom, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, or Barrack or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed; or for any Horse, Mare or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture and Accoutrements, according to the Regulations of such Corps, at the Time of claiming the Exemption; or for Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes, or returning after having been so employed; or for any Horses, Coaches, or other Carriages, 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

Exemptions
from Toll.Passengers
on Election
Days for
Knights of
the Shire for

[Loc. & Per.]

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Burgess

the County
of York, or
of a Burges
or Burgeses
for the Towns
of Kingston
upon Hull or
Beverley ex-
empted.

Burgeses or Burgeses for the Towns of *Kingston upon Hull* or *Beverley*, on the Day or Days of such Election, or the Day before or Day after such Election shall begin or be concluded; and if any Person shall by any fraudulent or collusive Means whatsoever claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Exempting
Carriages
conveying
King's
Stores, &c.
from Penal-
ties for Over-
weight.

XI. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, or Barrack or Commissariat, or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Over-weight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the said recited Acts contained to the contrary notwithstanding.

Form of Se-
curity for
Money
borrowed.

XII. And be it further enacted, That upon any further Sum or Sum^s of Money being borrowed by the said Trustees at Interest, for the Purpose of carrying into Effect this or the said recited Acts, it shall be lawful for the said Trustees, or any Five or more of them, to assign or mortgage the said Tolls, or any Part thereof, to the Person or Persons who shall advance such further Sum or Sums of Money, by Writing under their Hands in the following Words, or in any other Words to the like Effect; (that is to say),

‘ BY virtue of an Act of Parliament, passed in the Fifty-second Year
‘ of the Reign of His Majesty King *George* the Third, intituled *An*
‘ *Act* [here set forth the Title of this Act] We
‘ of the Trustees for executing the said Act, in Consideration of the Sum
‘ of _____ to the Treasurer or Treasurers of the said
‘ Roads, in Hand paid by *A. B.* of _____ do
‘ hereby grant, bargain, sell and demise unto the said *A. B.* his Execu-
‘ tors, Administrators and Assigns, such Proportion of the Tolls arising
‘ upon the said Roads, and the Turnpikes and Toll Houses for collecting
‘ the same, as the said Sum of _____ doth or shall bear
‘ to the whole Sum due and owing upon the Credit thereof, or charged
‘ on the Term of the said Act; to be had and holden from this
‘ Day of _____ in the Year of our Lord
‘ for and during the Continuance of the said Act, unless the said Sum of
‘ _____ with Interest after the Rate of
‘ *per Centum per Annum*, shall be sooner repaid and satisfied.’

And

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be possessed of any Mortgage made by virtue of this or the said recited Acts, or who shall be entitled to the Money thereby respectively secured, may from Time to Time, by Writing under his, her or their Hand or Hands, transfer his, her or their Right, Title, Interest or Benefit, in and to the said Mortgage, and the Principal Money and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement, or otherwise, in the following Words, or Words to the like Effect; (that is to say),

Mortgage to be entered in a Book.

I Do transfer this Mortgage [*or, a certain Mortgage, describing the Dates and Particulars*] with all my Right and Title to the Principal thereby secured, and all Interest now due and hereafter growing due on the same, unto C. D. of his Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord Witness, E. F.

Form of Transfer.

' A. B. '

Which said Transfer shall be produced and notified to the Clerk or Treasurer to the said Trustees, who shall cause an Entry or Memorial to be made thereof in the Book or Books to be kept for that Purpose, containing the Numbers, Dates, Names of the Parties, and Sums of Money therein to be transferred, for which the Clerk or Treasurer shall be paid the Sum of Five Shillings, and no more; and every such Transfer so registered as aforesaid, shall entitle such Assignee, his, her, or their Executors, Administrators and Assigns, to the Benefit thereof, and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons, except the Person to whom the same shall have been last transferred, to make void, release or discharge the original Security or any Money thereby due, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made as aforesaid, shall in Proportion to the Sum or Sums thereby secured, be Creditors on the Tolls by the said first-recited Act granted, and on the said Turnpikes and Toll Houses, in equal Degree one with another, and shall have no Preference in respect of Priority of advancing such Money, or the Dates of such Securities.

XIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this or the said recited Acts, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Trustees, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements or Hereditaments, in the Purchase of the Land Tax, or towards the Dis-

Application of Money awarded above 200l.

charge

charge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments standing settled therewith to the same or the like Uses, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements and Hereditaments, which shall be so purchased, taken or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined or capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application thereof, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements and Hereditaments, so to be purchased under the Authority of this or the said recited Acts, in case such Purchase or Settlement was made.

XIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements or Hereditaments, purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements or Hereditaments so purchased, taken or used, or of his, her or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing this and the said recited Acts, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

XV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than

When less
than 200l.
and above
20l.

Where under
20l.

than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements or Hereditaments so purchased, taken, or used for the Purposes of this or the said recited Acts, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements or Hereditaments, to be purchased by virtue of this or the said recited Acts, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or any Five or more of them; or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded or assessed as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the High Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements or Hereditaments [*describing them*], subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making out a good Title, or Person cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of Chancery on Petition.

XVII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements or Hereditaments, or of any Estate, Right, Title or Interest in any Lands, Tenements or Hereditaments to be purchased in pursuance of this or the said recited Acts, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be

In case of disputed Titles.

[*Loc. & Per.*]

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deemed and taken to have been lawfully entitled to such Lands, Tenements or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements or Hereditaments, or to some Estate or Interest therein.

Court may order reasonable Expences to be paid by the Trustees.

XVIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements or Hereditaments to be purchased under the Authority of this or the said recited Acts, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this or the said recited Acts, or so much of such Expences as the Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this or the said recited Acts, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Statute Labour.

Justices to determine Differences touching Statute Work.

XIX. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said East Riding of the County of York, or for the said Towns of *Kingsion upon Hull* or *Beverley*, within their respective Jurisdictions, and they are hereby empowered and required, (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor, by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work, shall be by him, her or them, paid to the said Trustees or to their Treasurer; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repairs of the public Highways; and out of such Lists such Justices shall or may allot,

allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads, as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Roads, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money, in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct, and in Default of Payment thereof, the same shall or may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this or the said recited Acts authorized to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, (after Notice in Writing given to or left for him, her or them, at his, her or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees), shall for every Day of his, her or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her or them, be subject and liable to such Pains, Penalties and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, and such Person or Persons as he or they shall direct or appoint, by the Direction and Order of the said Trustees, or any Five or more of them, under their Hands, from Time to Time to cut and reduce all Hedges, on the Sides of the said Roads, to the Height of Four Feet from the Surface of the Centre of the said Roads, in case the Owner or Owners of the Lands shall neglect to reduce such Hedges in such Manner as the said Surveyor or Surveyors shall require, agreeably to the Power herein-before given, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of the Surveyor or Surveyors, or of the said Trustees, or any Five or more of them, the Charges whereof

Penalty on
not cutting
Hedges on
the Sides of
the Roads.

(to be settled by the said Trustees, or any Five or more of them) shall be reimbursed to such Surveyor or Surveyors by such Owner or Occupier, and such Owner or Occupier so neglecting to reduce such Hedges within the Time aforesaid, after such Notice given, shall for every such Offence forfeit any Sum not exceeding the Sum of Five Pounds, all which said Charges, Penalty, and Forfeiture shall be recovered and applied in such Manner as Penalties and Forfeitures are by the said recited Acts directed to be recovered and applied.

Penalty on taking away Materials got by the Surveyor.

XXI. And be it further enacted, That no Person or Persons shall dig or break up the Soil or Ground of any Part of the said Roads, or of the Sides thereof, or scrape, take or carry away any Materials, Gravel, Sand, Mud, or Dirt which shall have been digged or gathered for the Repair or Use of the said Roads, or which shall be or lie upon the said Roads or upon the Sides thereof; or get or take away any Materials out of or from any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for the said Roads, before the Surveyor of the said Roads or his Workmen shall have discontinued working therein for the Space of One Year, (except the Owner or Occupier of any private Lands or Grounds, and the Person or Persons authorized by such Owner or Occupier, who may get Materials for his or their own Use only, and not for the Use of any other Highway, or for Sale); and if any Person shall offend in any of the Cases aforesaid, every Person so offending, and being lawfully convicted thereof, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on riding on Footpaths.

XXII. And be it further enacted, That if any Person shall ride upon any Footpath formed on the Side of or adjoining to the said Roads, or shall drive any Horse, Beast or Swine, or any Carriage upon, or cause any Damage to be done to any such Footpath; or if any Person shall cause to be haled or drawn, upon any Part of the said Roads, any Timber, Stone or other Thing, otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone or other Thing, which shall be carried upon wheeled Carriages, to drag upon the said Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer the same to root up and damage the same, or the Fences on either Side thereof; or if any Person driving any Carriage upon the said Roads, and meeting another Carriage, shall not keep his or her Carriage on his or her left or near Side of the said Roads; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care upon the said Roads; or if any Person shall make or assist in making any Fire or Fires, commonly called *Bonfires*, or shall set fire to, or let off, or throw any Squib, Rocket, Serpent, or Firework whatsoever, on any Part of the said Roads, or on the Banks or Land adjacent, or lying open thereto; or if any Person shall, without sufficient Cause, leave any Carriage upon or on the Side of the said Roads, longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Roads, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance of Persons travelling thereon; every Person so offending shall, for every such Offence

forfeit

forfeit and pay any Sum not exceeding Five Pounds, to be levied, recovered, paid and applied in the Manner directed by the said recited Acts, some or one of them.

XXIII. And whereas Offences may be committed against the said recited Acts and this Act, by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the same into Execution; be it therefore further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and for other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her or them before any Justice of the Peace for the County or District near the Place where the Offence or Offences shall be committed.

For securing
transient Of-
fenders.

XXIV. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any Thing done in pursuance of this Act, or of the said recited Acts, until Twenty-one Days Notice shall be thereof given to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, nor after sufficient Satisfaction or Tender thereof made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be laid and brought in the County or Place where the Matter shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit, shall at his or their Election plead specially, or 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 have been so done, or if such Action or Suit shall be brought before Twenty-one Days Notice thereof shall be given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and if upon such Verdict, or if the Plaintiff or Plaintiffs shall be non-suited, or discontinue his, her or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for his, her or their Costs in any other Cases by Law.

No Action
to be brought
without No-
tice.

XXV. And be it further enacted, That the Costs, Charges and Expences incident to and attending the obtaining and passing of this Act, shall be paid and discharged by the said Trustees out of any Money already collected and received, or out of the first Money that shall hereafter arise by virtue of the said recited Acts and this Act, or any of them; and if any Person shall advance any Money towards or in full Discharge of the Fees or other Expences of obtaining this Act, the same shall be repaid by the said Trustees out of the first Monies which shall come to their Treasurer's Hands by virtue of this Act or the said recited Acts, together with lawful Interest for the same.

For paying
the Expences
of the Act.

[Loc. & Per.]

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XXVI. And

Public Act.

XXVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices and others, without being specially pleaded.

Term of the Act.

XXVII. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force, and be executed for and during the Residue now to come and unexpired of the Term granted and continued by the said recited Acts, and from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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