Anno tricesimo secundo

# Georgii II. Regis.

## An Act for repairing and widening the High Road from *Wetherby* to *Grassington*, in the County of *York*.



WHEREAS the Road leading from Wetherby, through Spofforth, Knaresborough, Ripley, Scaroe, Pateley Bridge, Greenhaugh Hill, and Hebden, to Grassington, in the County of York, is very ruinous, and dangerous to Passengers, and for the most part so very narrow, that Wheel Carriages cannot pass along the same without the greatest Difficulty, and cannot, by the ordinary Course provided by the Laws of this Kingdom for repairing of Highways, be effectually amended, widened, and kept in Repair; and inasmuch as the Doing thereof will greatly tend to the Improvement of the Trade and Commerce of that Part of the Country through which the said Road doth lead, and be a Benefit Preamble.

to all Persons travelling thereon: Therefore, to the Intent that the said Road may, with all convenient Speed, be effectually repaired, amended, enlarged, and made passable, and hereafter kept in good and sufficient Repair: May it 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,

Trustees Names.

That Lord George Cavendish, Lord Frederick Cavendish, Lord John Cavendish, the Right Honourable the Lord Viscount Downe in the Kingdom of Ireland, the Right Honourable Lord Viscount Castlecomer in the Kingdom of Ireland, the Right Honourable Sir Thomas Robinson Knight of the Bath, the Right Honourable Robert Boyle, Sir George Savile, Sir Henry Slingsby, Sir John Ingilby, Sir John Goodrike, Sir Walter Blacket, Sir John Kay, Sir William Robinson, Sir Thomas Tancred, Sir Henry Ibbetson, Sir Walter Vivasour, Sir Edward Blacket, Sir Bellingham Graham, Sir Bryan Stapleton, Sir Cecil Wray, Baronets; Sir Charles Vernon Knight, William Aislabie, William Aislabie the younger, Robert Aythorp, Charles Allanson, Thomas Arthington, Esquires; John Alcock, John Alcock the younger, Clerks; John Alcock of Skipton, John Abbotson, Gentlemen; John Bourchier, Humphrey Bellamy, Thomas Barstow, Richard Bayne, Huley Baynes, Esquires; Edward Bainbridge Clerk, Christopher Benson, Peter Buck, John Batty, William Brown, John Blaikey, Henry Brown, John Barker, Nicholas Blackburn, Gentlemen; Thomas Collins, Thomas Carr, John Carr, Clerks; William Crompton, Peter Conset, Esquires; James Collins, Richard Cass, Thomas Cass, John Close, James Close, Samuel Coates, Richard Constantine, Thomas Chippendale, John Constantine, Gentlemen; William Danby, Henry Duncombe, Charles Slingsby Duncombe, John Dodsworth, John Dodsworth the younger, Anthony Dawson, Esquires; William Day, Anthony Dean, Gentlemen; the Dean of Ripon for the time being, Gregory Elsley Esquire, Ayscough Fawkes, Francis Fawkes, Francis Fawkes the younger, Frederick Frankland, Thomas Frankland, Esquires; John Fogg D. D. Richard Fountain, Thomas Foster, Gentlemen; Henry Goodricke, William Gaythorp, Clerks; Man Horsefield, Henry Hitch, John Hutton, John Hutton the younger, Haber Esquires; Michael Hardcastle, John Hawkridge, George Hassel, Gentlemen; Samuel Ibbetson, William Tufnell Joliffe, Peter Johnson the younger, Edmund Jennings, Esquires; Charles

Charles Inman, Francis Iles, Columbus Ingilby, Eben Jackson, Michael Inman, Gentlemen; Thomas Kitchingman Esquire, Mathew Knowles, John Knowles, Clerks; Henry Kirkby Gentleman, Edwin Lascelles, Daniel Lascelles, Francis Lascelles, George Fox Lane, Robert Lane, Thomas Lister, John Lister, William Lawrence, Esquires; Thomas Lamplugh Clerk, William Layton, John Lupton, Samuel Lum, Gentlemen; William Middleton, Michael James Messenger, William Meek, John Milbank the younger, John Moyer, Esquires; Anthony Metcalf, Mathew Metcalf, Clerks; Mathew Metcalf Gentleman, Fletcher Norton, Edward Norton, Esquires; Robert Oates Gentleman, Thomas Pullein Esquire, Stephen Peart Gentleman, Richard Richardson, William Roundell, Danson Roundell, Gregory Rhodes, Esquires; Henry Richardson Clerk, William Richardson M. D. John Raiks Clerk, Cuthbert Redshaw, Thomas Richardson, William Reynard, Gentlemen; the Mayor and Recorder of Ripon for the time being, Charles Slingsby, Savile Slingsby, Miles Staveley, John Gilpin Sawrey, Esquires; Benjamin Smith Clerk, Francis Shepherd, Francis Shepherd the younger, Thomas Strother, John Strother, John Shackleton, George Smith, John Swires, John Summers, Anthony Simondson, Richard Stackhouse, Allanson Skaife, Henry Smithson, James Swaile, Richard Shires, Gentlemen; William Thornton, Francis Trapps, Ambrose Trapps, Edward Thompson, Esquires; Richard Thompson Clerk, Elias Thornhill, John Thornhill, Elias Thornhill the younger, Walter Vavasour, John Upton, John Upton the younger, Esquires; Andrew Wilkinson, John Wood Boynton John White, Thomas Weddell, Thomas Wilkinson, William Weddell, Charles Wilkinson, Andrew Wilkinson the younger, William Wilkinson, Henry Wilmot, Esquires; Francis Wanley D. D. Samuel Whalley, John Williamson the younger, John Wilks, William Williamson, Thomas Watkinson, Thomas Wearing, James Wheelhouse, William Wrathall, Henry Wrathall, Gentlemen; Richard Wilson, Richard Wilson the younger, Thomas York, John York, Thomas York the younger, Esquires; shall be, and they are hereby appointed Trustees for surveying, ordering, enlarging, amending, and repairing the said Road, and keeping the same in Repair; and for putting all and every the Powers and Authorities hereby given, granted, and provided, in Execution.

Trustees may erect Turnpikes and Toll-houses,

And it is hereby further enacted and declared, That the said Trustees and their Successors, or any Seven or more of them, or such Person or Persons as they, or any Seven

or more of them, shall authorize or appoint, and they are hereby authorized and impowered to erect and set up, or cause to be erected and set up, One or more Turnpike or Turnpikes, Toll-gate or Toll-gates, Toll-house or Toll-houses, in, upon, or across, any Part of the said Road, and to remove or alter the same, as they the said Trustees, or any Seven or more of them, shall, from time to time, think meet or expedient; and also shall and may demand and take, before any Horse, Beast, Cattle, or Carriage whatsoever, made chargeable with, and liable to, any Toll or Duty by virtue of this Act, shall be permitted to pass through such Turnpikes or Toll-gates respectively, the several Tolls and Duties following; that is to say, In that Part of the same Road lying between Wetherby and Knaresborough;

and take the following Tolls thereat.

The Tolls.

For every Coach, Chariot, Landau, Berlin, Hearse, Chaise, or Calash, drawn by Six or more Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Nine Pence; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Three Pence; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Nine Pence; and for every Chaise or Chair drawn by One Horse, Mare, Gelding, or Mule, the Sum of Six Pence.

And for every Waggon, Wain, Cart, or other Carriage, carrying or laden with, or empty and going for, or returning immediately after having been so laden with Coals, Cinders, Lime, Peats, Turf or Turfs, only, drawn by Five or more Horses, Oxen, or Beasts of Draught, the Sum of Six Pence; and drawn by Four Horses, Oxen, or Beasts of Draught, the Sum of Four Pence; and drawn by Three Horses, Oxen, or Beasts of Draught, the Sum of Three Pence; and drawn by Two Horses, Oxen, or Beasts of Draught, the Sum of Two Pence; and drawn by One Horse, Ox, or Beast of Draught, the Sum of One Penny; and for every Horse, Mare, Gelding, Mule, or Ass, so laden, going or returning, and not drawing, the Sum of One Halfpenny.

And for every Waggon, Wain, Cart, or other Carriage, not so laden, going or returning, drawn by Six Horses, Oxen, or Beasts of Draught, the Sum of Two Shillings and Six Pence; and drawn by Five Horses, Oxen, or Beasts of Draught, the Sum of One Shilling and Nine Pence; and drawn by Four Horses, Oxen, or Beasts of Draught, the Sum of One Shilling and Three Pence; and drawn by Three Horses, Oxen, or Beasts

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of Draught, the Sum of One Shilling; and drawn by Two Horses, Oxen, or Beasts of Draught, the Sum of Nine Pence; and drawn by One Horse, Ox, or Beast of Draught, the Sum of Six Pence; and for every other Horse, Mare, Gelding, Mule, or Ass, not so laden, going or returning as aforesaid, and not drawing, Three Halfpence.

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

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

And in that Part of the same Road lying between Knaresborough and Pateley Bridge aforesaid, such and the same Tolls and Duties as are herein before directed to be taken in that Part of the Road which lies between Wetherby and Knaresborough aforesaid; and in that Part of the same Road lying between Pateley Bridge and Grassington, such and the same Tolls and Duties as are herein before directed to be taken in that Part of the Road which lies between Wetherby and Knaresborough aforesaid.

No Gates to be set up nearer than 3 Miles to the Cross at *Knaresborough*, 1 Mile of the Cross of *Ripley*, nor nearer to *Pateley Bridge* than *Craven Cross*.

Provided always, That nothing herein contained shall extend, or be construed to extend, to give to the said Commissioners, or any of them, any Power or Authority to erect or set up any Turnpike or Turnpikes, Toll-gate or Toll-gates, in, upon, or across any Part of the said Road within the Distance of Three Miles North-west from the Market Cross in the Town of Knaresborough aforesaid; nor nearer to the Market Cross of the Town of Ripley than One Mile; nor nearer to the Town of Pateley Bridge aforesaid than Craven Cross, in the Road to Grassington aforesaid; any thing herein contained to the contrary thereof in any wise notwithstanding.

Tolls vested in the Trustees.

And be it further enacted, That the several Tolls and Duties hereby granted and made payable, shall and may be demanded and taken in the Name of and as a Toll or Duty; and the Money so to be raised as aforesaid, shall be and is hereby vested in the said Trustees and their Successors; and the same, and every Part thereof, shall be paid, applied, disposed of, and employed, to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein after mentioned, ordered, provided, and directed.

And be it further enacted by the Authority aforesaid, That the Right and Property of all and every the Turnpikes

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

pikes and Toll-houses, which shall be erected and built by virtue of this Act, shall be, and are hereby vested in the said Trustees; and they, or any Seven or more of them, are hereby authorized and impowered to dispose thereof as they shall think proper, and to bring Actions in their Names, or in the Names of any Seven or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, or to prefer Bills of Indictment against any Person or Persons who shall steal, take away, break down, spoil, or damage, such Turnpikes or Toll-houses, or any of them, so erected and built as aforesaid, or any Part thereof.

Trustees may apportion the Tolls.

Provided always, and be it further enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to separate, divide, and apportion, the Tolls hereby granted and made payable, into such and so many equal Shares and Proportions, to be taken, collected, and received, at such and so many of the said Turnpikes or Toll-gates as to the said Trustees, or any Seven or more of them, shall seem requisite and expedient.

Tolls may be levied by Distress and Sale.

And it is hereby further enacted, That it shall and may be lawful to and for the said Trustees for the time being, 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 Person or Persons who shall, after Demand thereof, neglect or refuse to pay such Tolls and Duties as aforesaid, by Distress of any Horse or Horses, or other Cattle, or Goods, upon or on account, or in respect of which such Toll or Duty is by this Act imposed or made payable, or by Distress of any other Goods and Chattles of such Person or Persons who ought to pay the same; and to keep and detain the same, until such Tolls or Duties, with the reasonable Charges of such distraining, detaining, and keeping, shall be paid: And it shall and may be lawful to and for such Person or Persons so distraining, after the Space of Five Days after such Distress made and taken (such Toll or Duty, with the reasonable Charges of such distraining, detaining, and keeping, not being then paid) to sell the Goods so distrained and detained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Toll and Duty, and reasonable Charges for distraining, keeping, and selling the same, shall be deducted and paid.

Distress to be sold after 5 Days.

And

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Recital of Act for repairing Road from *Ripon* to *Pateley Bridge*.

And whereas by an Act of Parliament passed in the Twenty ninth Year of the Reign of his present Majesty, intituled, An Act for repairing and widening the High Road from the Borough of *Ripon*, by *Ingram Bank*, to the Town of *Pateley Bridge*, in the County of *York*; a Toll-house and Toll-bar have been erected and set up in the said Town of Pateley Bridge aforesaid, and also that Part of the Road in this present Act contained, which lies between the said Toll-bar so erected as aforesaid, and the Place where the said Road from Ripon, by Ingram Bank, to the Town of Pateley Bridge, and the Road by this Act intended to be repaired, divide, hath been repaired by and out of the Tolls and Duties by the said recited Act set and imposed, or the Money borrowed on the Credit thereof; it is therefore enacted by the Authority aforesaid, That the said Toll-house and Toll-bar, so erected as aforesaid, shall remain, continue, and be, where the same are now placed and erected, during the Continuance of this Act, unless the Commissioners authorized for putting the said recited Act in Execution, or any Seven or more of them, and the Commissioners appointed or to be appointed by this present Act, or any Seven of them, shall think it proper and necessary to remove and place the same on any other Part of the Road between the said Bar, so erected as aforesaid, and the Place where the said Road from Ripon by Ingram Bank joins the said Road by this Act intended to be repaired.

Continuing said Bar of mutual benefit, and to continue.

A Moiety of the Charges of purchasing the Toll-houses, &c. to be paid to Trustees of recited Act.

And it is further enacted by the Authority aforesaid, That the Sum of One hundred and nine Pounds, Three Shillings, and Nine Pence, being One full Moiety of the Expences and Charges of the purchasing, erecting, and setting up of the said Toll-house and Toll-bar, and of the making of such Part of the said Road as aforesaid, shall be raised and paid to the Trustees appointed for the putting the said recited Act in Execution, out of the first Money that shall be raised by virtue of this Act.

A Moiety of the Expence of repairing said Road, &c. to be borne by the *Knaresborough* Road Trustees.

And be it enacted by the Authority aforesaid, That One Moiety of the Expences, from time to time, during the Continuance of this Act, which shall be incurred in the supporting, maintaining, and keeping in Repair, the said Toll-house, Toll-bar, and all and any future Toll-bars or Toll-houses to be erected for the Purposes of the joint Collection, and such Part of the said Road, as aforesaid; and also One Moiety of the Salary of the Gate-keeper or Gate-keepers of the said Toll-bar for the time being; and also when, and so soon as, the Road hereby directed to be repaired, shall be sufficiently repaired and

amended, and the Costs and Charges thereof shall have been paid and satisfied, and the Road in the said recited Act mentioned, leading from Pateley Bridge Chapel, over Bishop Side Moor, shall have been repaired and amended, as in the said recited Act is mentioned; that then One Moiety of the Expences attending the making and repairing of the said last-mentioned Road (so as such Moiety doth not exceed the Sum of Fifty Pounds) shall be defrayed and sustained by and out of the Tolls and Duties, or the Money to be borrowed upon the Credit thereof, by force and virtue of this present Act.

One Moiety of the Tolls arising from joint Collection vested in *Knaresborough* Trustees.

And be it enacted by the Authority aforesaid, That One Moiety of the Tolls and Duties which shall, from time to time, be collected at the said Toll-gate, so erected as aforesaid by virtue of the said recited Act, or which shall be erected for the Purpose of the said joint Collection, shall, from and immediately after the passing of this Act, be, and the same are hereby, vested in the Commissioners impowered to put this present Act in Execution; to the end the same may be employed by them for the repairing, and keeping in Repair, the Road by this Act directed to be repaired; and the Gate-keeper or Gate-keepers for the time being, of the said Toll-bar or Toll-bars, as aforesaid, shall, and he and they are hereby directed, from time to time, during the Continuance of this Act, to account with and pay to the Trustees, or any Five or more of them, appointed or to be appointed for putting this present Act in Execution, One Moiety of such Tolls and Duty by him or them to be collected at the said Toll-gate or Toll-gates, as aforesaid, under the like Penalties, and in such and the same Manner, as any other Gate-keeper or Gate-keepers, Toll-gatherer or Toll-gatherers, are by this Act made accountable.

Application of the Tolls.

And be it further enacted by the Authority aforesaid, That the Residue of the Money arising from the Tolls and Duties, by virtue and in pursuance of this Act, or that shall be borrowed on the Credit thereof, shall, by the said Trustees hereby nominated or appointed, and their Successors, or any Seven or more of them, be applied and disposed of, in the next Place, for the paying and defraying the Charges and Expences attending the obtaining and passing this present Act; and then for the erecting such Turnpike or Turnpikes, Toll-gate or Toll-gates, Toll-house or Toll-houses, as the Trustees for the time being, or any Seven or more of them, shall think proper to set up in pursuance of this Act; and afterwards, and subject thereto, to the amending, repairing, widening,

ing, and keeping in Repair, the said Road by this Act directed to be repaired as aforesaid.

Money arising on *Paicley Bridge* Road, to be applied in Repair of that Road only.

Provided always, and it is hereby further enacted by the Authority aforesaid, That the Money arising by the Tolls directed to be taken, by virtue of this Act, on that Part of the said Road which leads from Pateley Bridge to Grassington, or the Money to be borrowed on the Credit thereof, shall be applied and laid out in the widening, repairing, and amending, that Part of the said Road only; any thing herein contained to the contrary notwithstanding.

Trustees not to repair Town Streets or Bridges.

Provided also, That nothing in this Act contained shall authorize the said Trustees, or any of them, to repair any of the Town Streets of Knaresborough, Ripley, or Pateley Bridge, or the Bridges at Knaresborough and Pateley aforesaid.

Penalty on Persons permitting, or going through, private Passage.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning, renting, or occupying, any Lands near unto any Turnpike to be erected in pursuance of this Act, do pass, or shall willingly permit or suffer any Person or Persons whatsoever, so to pass through any Gate, Passage, or Inclosure, not being an ancient Highway, to and from the Place or Places from whence he or they shall respectively come, with any Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, or riding, driving, or leading, any Sort of Cattle, whereby the Payment of any of the Tolls or Duties by this Act granted shall or may be avoided; every Person so permitting, and also the Person so going through, to avoid Payment as aforesaid, be thereof convicted upon Oath, or upon Affirmation of One of the People called Quakers, before the said Trustees, or any Five or more of them, who are hereby impowered to administer such Oath or Affirmation, or before One or more Justice or Justices of the Peace for the West Riding of the County of York, shall respectively forfeit and pay to the Trustees authorized to put this Act in Execution, or to their Treasurer or Treasurers for the time being, the Sum of Twenty Shillings, to be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal, or Hands and Seals, of the said Trustees, or any Five or more of them, or such Justice or Justices: And the Person or Persons making such Distress, shall render the Overplus (if any be) of the Money arising by such Sale, which shall remain, after the Payment of the said Penalty, and the Charges of such Distress and Sale, to be settled and ascertained by the

the said Trustees, or any Five or more of them, or by the said Justice or Justices, are deducted, unto the Owners of the Goods so distrained.

Trustees may erect Side-gates,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, respectively shall direct or appoint as aforesaid, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side of or cross any Way or Lane leading out of the said Road, or any Part thereof, to prevent Frauds and Abuses in eluding the Payment of the said Tolls, or any of them, hereby imposed and made payable, as is aforesaid; and there to receive and take such Toll or Tolls as is or are, by virtue of this Act, to be taken at any of the Turnpikes to be erected in pursuance thereof, so as the same do not extend to a double Charge within the Tenor and true Meaning of this Act.

and take Tolls thereat.

Tolls to be paid but Once a Day.

Provided always, That no Person or Persons having paid the Toll or Duty granted and made payable by this Act, at any Gate or Turnpike already erected, or which shall be erected, in pursuance of this Act, upon, across, or on the Side of, the said Road, through which such Person or Persons shall pass, producing a Note or Ticket, that the said Toll or Duty was paid (which Note or Ticket the Receiver or Receivers, Collector or Collectors, of the Tolls and Duties granted and made payable by this Act, is and are hereby required to give gratis) shall be liable to pay any Toll or Duty at any other Gate or Gates, Turnpike or Turnpikes, erected in any other Part of the same Road; so as such Person or Persons deliver the said Note or Ticket to the Receiver or Receivers, Collector or Collectors of the said Toll or Duty, at the said Gate or Turnpike erected on the same Road, on the same Day, or before Twelve of the Clock in the Night of that Day; and that no Person or Persons, who shall have Occasion to pass through any of the Toll-gates or Turnpikes erected, or which shall be erected, in pursuance of this Act, with any Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, Horse, Ware, or other Cattle, having paid the Tolls and Duties aforesaid, and who shall return or pass or repass on the same Day upon or with the same Coach, Chariot, Waggon, Wain, Cart, or other Carriage, Horse, Ware, or other Cattle, shall be liable or compellable on the same Day to pay the Toll or Duty

Duty more than Once at the same Turnpike or Toll-gate on the said Road.

Only One Toll to be paid between *Knaresborough* and *Pateley Bridge*.

Provided also, That no Person or Persons having paid the Toll or Duty granted and made payable by this Act, at any Gate or Turnpike which shall be erected in pursuance of this Act, on that Part of the said Road hereby directed to be repaired as lies between Knaresborough and Pateley Bridge, through which such Person or Persons shall pass, producing such Note or Ticket as aforesaid, shall be liable to pay any Toll or Duty at the said Gate or Turnpike to be erected in the Town of Pateley Bridge aforesaid, or which shall be erected for the Purpose of such joint Collection as aforesaid; so as such Person or Persons shall deliver the said Note or Ticket to the Receiver or Receivers, Collector or Collectors, of the said Toll or Duty, at the said Gate or Turnpike erected or to be erected for the said joint Collection, on the same Day, or before Twelve of the Clock in the Night of that Day.

Horses, &c. liable to Toll if they pass oftener than Twice a Day, except with Lead Ore.

Be it further enacted by the Authority aforesaid, That all Horses, or other Cattle, Waggons, Carts, or Carriages, loaden with Lead, Coal, Lime, or Cinders (except with Lead Ore) passing through any Turnpike Gate, or Toll-bar upon the said Road oftener than Twice in One Day, shall be subject and liable to the Payment of the Tolls and Duties by this Act imposed for every other Time they shall pass through any such Gate or Turnpike.

Penalty on Persons disposing of Tickets to avoid Payment of the Tolls.

And, for preventing Frauds and Abuses in the said Tolls or Duties, be it enacted by the Authority aforesaid, That if any Person or Persons, having paid the Toll or Duty aforesaid, and having such Note or Ticket, Notes or Tickets, signifying, denoting, or implying, the Payment of such Toll or Duty, shall give or dispose of the same to any Person or Persons, in order to avoid the Payment of the said Toll or Duty; every such Person giving, disposing, or offering, and the Person receiving such Note or Ticket, Notes or Tickets, and being thereof convicted upon Oath or Affirmation before the said Trustees, or any Five or more of them (who are hereby impowered to administer the same) or before any One or more Justice or Justices of the Peace for the said Riding, 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.

No Toll on Election Days.

Provided also, and it is hereby enacted and declared, That during the Continuance of this Act, no Tolls shall be taken for Coaches, Chariots, Chaises, or other Carriages,

riages, and Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the County of York, on the Day or Days of such Election, or on the Day next before and next after such Election; any thing herein contained to the contrary notwithstanding.

Persons and Things exempted from Tolls.

Provided always, and it is hereby enacted, That no Person who shall pass through any Turnpike erected, or which shall be erected, in pursuance of this Act, shall be charged with or liable to pay any of the Tolls or Duties aforesaid, for any Cart, Wain, Waggon, or other Carriage, or any Horse, Mare, or other Cattle, laden with, carrying, drawing, or empty and going for, or returning, having been laden with Gravel, Stone, or other Materials, for repairing the said Road; or with any Hay, or Corn in the Straw only; or any Ploughs, Harrows, or Implements of Husbandry; or any Mould, Dung, Lime, Compost, or Manure, employed in Husbandry, for manuring and improving of Lands; nor shall any Toll or Duty be taken or demanded from any Person or Persons residing in any of the several Townships in which the said Road, or any Part thereof, doth lie, who shall pass through any of the same Turnpikes or Cross-gates to or from their proper Parish or Parochial Church, Chapel, or other Place of religious Worship they usually resort to on Sundays, or who shall attend the Funeral of any Person or Persons that shall die and be buried in any of the said Townships; nor for any Horse or other Cattle going to or from Water or Pasture; nor for any Post-horse carrying the Mail or Packet; nor for the Horses of Soldiers passing that are upon their March, or for Waggons, Wains, Carts, and Carriages, attending them; or for Horses, Carts, or Carriages, travelling with Vagrants sent by Passes, or returning after having been so employed; nor shall any Toll or Duty be taken or demanded for any Carriage or Cattle whatsoever laden with, or carrying any Lead Ore, or returning empty or unladen after having carried such Lead Ore over or upon that Part of the said Road leading from Grassington to Pateley Bridge aforesaid, to be smelted at any Mill or Mills in any of the Townships through which that Part of the said Road doth lie.

Penalty on making illegal Claims.

And it is hereby further enacted and declared, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person, for every such Offence, shall forfeit and pay the Sum of Twenty Shillings.



Provided

No Toll to be taken for crossing the Road only.

Provided also, That no Toll or Duty shall be taken at any Toll-gate or Turnpike to be erected by virtue of this Act, on the Side of any Part of the said Road hereby directed to be repaired, for any Horse, Cattle, Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, which shall not travel upon the said Road for the Space of One hundred Yards.

Rents and Money, &c. applicable to repair the Roads, to continue so.

And be it further enacted by the Authority aforesaid, That all and every Grantees, Trustees, Feoffees, and Committees, of any Messuages, Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money heretofore given to any Person or Persons whatsoever, for and towards the repairing and amending the said Road, or any Part thereof, shall pay and apply such Part of the Rents, Issues, and Profits, of the said Messuages, Lands, and Tenements, and of the said Rents and Annuities so given, for the repairing the same, to the said Trustees, or any Five or more of them, or their Treasurer for the time being, to be by them laid out and expended in repairing such Part of the said Road for which the same were originally given; and to that End the said Trustees, or any Five or more of them are, or their Treasurer for the time being is, hereby impowered to accept and receive of and from such Grantees, Trustees, Feoffees, and Committees, such Rents and Profits, and Money, as aforesaid, and to give Receipts and Acquittances for the same.

Persons chargeable to the Repair of the Roads to continue so.

And it is hereby also enacted and declared, That all and every Person and Persons by Law chargeable towards repairing or amending the Highways or Roads hereby intended to be repaired, shall still remain chargeable, and do their respective Statute-work in the said Parishes in which the said Road doth lie, as before the passing of this Act he, she, or they, ought to have done, except so far forth as it is in and by this Act otherwise directed and provided.

Surveyors of the Highways to give in Lists of Persons who are chargeable to do Statute-work.

And be it further enacted by the Authority aforesaid, That the respective Surveyor or Surveyors of the Highways of and for the several Townships and Places in which any Part of the Road intended to be repaired by this Act doth lie, shall yearly and every Year, during the Continuance of this Act, within Seven Days after Demand made to him or them respectively, in Writing, by any Surveyor or Surveyors to be appointed by virtue and in pursuance of this Act, give in and deliver to such Turnpike Surveyor or Surveyors, an exact List or Account, in Writing, under his or their Hands or Hand, of the Christian

Christian and Surname of all and every Person and Persons in the respective Townships and Places who are obliged by Law to do their Statute-work for that Year with Teams and Draughts, or otherwise; and shall also set forth and specify in such List what such Person is respectively chargeable with for or towards the same; and the Surveyor or Surveyors of the Highways in such Township for the time being respectively, within Three Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors, of the Time or Times when, and how many of the Persons so chargeable as aforesaid, he would have to do their respective Statute or Days Work in or upon any Part or Parts of the said Road, shall summon or give publick Notice thereof to the Person or Persons so chargeable as aforesaid; and if any Surveyor or Surveyors for the Townships or Places aforesaid, shall neglect or refuse to do as they are hereby required and directed, he or they, for every such Neglect or Refusal, shall forfeit and pay any Sum not exceeding the Sum of Five Pounds: And if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable towards repairing the said Road, shall, after such Summons or publick Notice, neglect or refuse to send their respective Teams, Draughts, or Carts, with such Horses or Beasts of Draught as he, she, or they, respectively employ, with One Person to attend the same, to do and perform such their respective Days Work on the said Road; he, she, or they, so neglecting or refusing, shall respectively forfeit and pay the Sum of Ten Shillings, whereon any such Team, Draught, or Cart, shall make such Default as aforesaid; and if any Labourer, or other Person or Persons, so chargeable towards repairing the said Road, shall at any Time neglect or refuse, after such Summons or publick Notice, to do and perform the said appointed Days Works on the said Road, he, she, or they, shall respectively forfeit and pay the Sum of One Shilling for each of the said Days such Labourer, or other Person or Persons, shall make Default: And if any Person or Persons who shall, according to such Summons or publick Notice as aforesaid, come to work as a Labourer, or be sent with any Team, Draught, or Cart, to work on the said Road, is or are found idle or negligent by the said Turnpike Surveyor or Surveyors respectively where the Work is to be done; in such Case the same Surveyor or Surveyors may, and is and are hereby impowered and required to turn him or them off who shall be found idle and negligent as aforesaid,

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

and on Persons not performing Statute-work.

Persons found idle to be turned off.

said, and it shall be deemed and taken as if such Person or Persons had not come, or sent any Team, Draught, or Cart, to work on the said Road; and he, she, or they, shall be subject or liable to the respective Forfeitures and Payments above mentioned, as if he, she, or they, had neglected or refused to do or perform the said respective Days Work so ordered and appointed as aforesaid.

Persons doing Statute-work according to this Act, exempted.

Provided always, That all and every Person and Persons now liable, or who, during the Continuance of this Act, shall be liable, to do Statute-work on the said Road, on his and their doing and performing such Part of the said Statute-work at such Times, and in such Manner, and on such Part of the said Road, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall, from time to time, appoint in each Year, shall be, and is and are hereby exempted from doing and performing any more or other Statute-work on the said Road; any thing herein to the contrary notwithstanding.

Trustees may compound with Parishes, &c.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees appointed or to be appointed, by virtue of this Act, or any Seven or more of them, from time to time during the Continuance of this Act, at any publick Meeting, to compound for any Time not exceeding One Year, with any of the Townships, Hamlets, or Places, to which the said Road belongs, or with any of the Possessors or Occupiers of Lands, Tenements, or Hereditaments, which are liable to or chargeable with the Repair of any Part of the said Road, for any Sum or Sums of Money, to be paid quarterly or otherwise, in lieu of the Statute or other Work to be done by such Townships or Places, or by such Possessor or Possessors, Occupier or Occupiers, of such Lands, Tenements, and Hereditaments, chargeable as aforesaid.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at their First Meeting, shall and may, by Writing under their Hands and Seals, elect, nominate, and appoint, One or more fit Person or Persons to be their Clerk or Clerks, and One or more Person or Persons to be Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of such Money as shall be due and payable by virtue of this Act, and take such Security for the due Execution of the Office of Treasurer or Treasurers, as the said Trustees, or any Seven or more of them, shall approve of; and also shall and may appoint

One or more fit Person or Persons to be Surveyor or Surveyors to view the Condition of the Road, and to see that the same be repaired and amended, and the Money to be raised by this Act duly applied; and also shall and may, from time to time, remove such Clerks, Treasurers, Collectors, Receivers, and Surveyors, or any of them, as the said Trustees, or any Seven or more of them, shall see Occasion, and shall and may appoint new Ones in case of Death or such Removal: And such Person or Persons as is or are by this Act liable to pay the said Tolls or Duties, is and are hereby required to pay the same, after the Rates aforesaid, to such Receiver or Receivers, Collector or Collectors, as shall, from time to time, be appointed for that Purpose; and the Treasurer and Treasurers, and all other Person or Persons, so appointed as aforesaid, to receive the said Tolls or Duties, and also such Surveyor or Surveyors, as aforesaid, shall, upon Oath or Affirmation as aforesaid, 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 said West Riding (which Oath and Affirmation respectively such Trustees, or any Five or more of them, or such Justice or Justices, is and are hereby impowered to administer) on the First Monday in every Month, or oftener if required, during the Continuance of this Act, give a true, exact, and perfect Account in Writing, under their respective Hands, of all Monies which he and they, and every or any of them, respectively shall, to such Time, have received, paid, and disbursed, by virtue of this Act, by reason of their respective Offices, for which Oath or Affirmation 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 the same Trustees respectively, or any Five or more of them, shall, by any Writing or Writings under their Hands and Seals, authorize and impower to receive the same, and shall be laid out and disbursed in amending the said Highway or Road, according to the true Intent and Meaning of this Act, and not otherwise; and the said Trustees, or any Seven or more of them, shall and may, out of the Money arising by the said Tolls or Duties, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, or Officers, so appointed, for and in Consideration of their Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons, who shall be

and remove them, and appoint others.

Officers to account upon Oath.

Trustees to allow Officers Salaries.

be assisting in and about procuring the said Highway or Road to be amended and repaired, by advancing or laying out any Monies, or otherwise relating thereto, as to them shall seem proper and reasonable: And in case the said Treasurers, Receivers, Collectors, Surveyors, or any of them, shall not make such Account and Payment unto such Person or Persons, according to the Orders and Directions of the Trustees, or any Seven or more of them, as aforesaid; then the said Justices of the Peace, at any Special or other Sessions to be held for the said Riding, shall make Enquiry of and concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more Witness or Witnesses upon Oath Affirmation (and which Oath or Affirmation they are hereby impowered and required to administer without Fee or Reward) and if any Person or Persons shall be convicted thereof by such Justices, the said Justices shall, upon such Conviction, commit the Party or Parties to the Common Gaol of the County of York, there to remain without Bail or Mainprize, until he or they shall have made a true and perfect Account and Payment, as aforesaid, or shall have compounded and agreed with such Trustees, and paid such Composition to their Treasurer for the time being; which Composition the said Trustees, or any Seven or more of them, at any Meeting assembled, are hereby authorized to make.

Officers refusing to account;

Justices to inquire into the Default,

and commit the Offender to Gaol,

until he shall conform.

And be it further enacted by the Authority aforesaid, That in case the Gate-keeper appointed or to be appointed for collecting and receiving the said Tolls or Duties at the said Gate or Toll-bar so erected in the Town of Pateley Bridge aforesaid, or any other Gate or Toll-bar which may be erected by such Consent as aforesaid, shall at any Time, in the Judgement and Opinion of the Commissioners appointed or to be appointed for putting this present Act in Execution, or any Seven or more of them, have misbehaved himself, or been guilty of any Irregularity or Remissness in his Office; that then the said Trustees for putting the said recited Act in Execution, upon Notice thereof in Writing delivered to their Clerk or Treasurer for the time being, shall, and they are hereby authorized and required, at their then next Meeting, to displace and remove such Gate-keeper or Gate-keepers from time to time so offending, and supply the Place of him or them so removed by some fit Person for the time being, as by the said recited Act is directed in case of the Death or Removal of Officers acting under the Authority of the same Act.

Toll-gatherers offending, to be dismissed.

And

Victuallers; &c. not to have a Place of Profit.

And be it further enacted by the Authority aforesaid, That no Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, or menial Servant to any of the Trustees appointed or to be appointed to put this Act in Execution, shall be capable of holding any Office to be made or created by virtue of this Act.

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

And it is hereby further enacted, That it shall and may be lawful to and for the respective Surveyor or Surveyors, to be appointed in pursuance of this Act, and such Person and Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any Waste or Common, River or Brook, of or in any Parish, Town, Village, or Hamlet, in or near which the said Road, or some Part thereof, doth lie (except Stones from Quarries opened and in working) proper and convenient for repairing the said Road, without paying any thing for the same; but making such Satisfaction and Allowance to the Person or Persons through whose Land such Materials shall be led and carried, for the Damages done and occasioned thereby to the said Lands; and levelling, filling up, or fencing about the Holes and Pits made by getting such Gravel, Stones, or other Materials, as the said Trustees, or any Five or more of them, shall judge and deem fit and reasonable; and where there is not a Sufficiency of such Materials in any Commons or Waste Grounds, Rivers or Brooks, near adjoining, it shall and may be lawful for the said Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to dig and gather the same in the several Grounds of any Person or Persons (not being a Garden, Park, Orchard, Yard, Plantation, Nursery, planted Walk or Walks, or Avenue to a House) where any such Materials are or may be found; and, from time to time, to carry away such and so much thereof, as the said Surveyor or Surveyors shall adjudge necessary, for the repairing the said Highway or Road; paying such Rate for such Materials, to the Owners or Occupiers of the Ground from whence or through which the same shall be dug, gathered, and carried away, and also making Satisfaction for any other Special Damage to be occasioned by such digging, gathering, and carrying, as the said Trustees, or any Five or more of them, shall judge reasonable; and in case of any Difference between such Owners or Occupiers and the said Trustees, touching the Damages aforesaid, the said Justices of the Peace at their General Quarter Sessions to be holden in and for the

without paying for the same;

levelling the Pits;

and where sufficient Materials are not to be there had, they may be taken from private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences.

the said West Riding may and shall adjudge, assess, and finally determine the same.

Penalty on Owner, &c. taking away Gravel, &c. dug by Order of the Surveyor.

Provided also, and be it further enacted by the Authority aforesaid, That in case any Owner of the Soil, or Occupier of the Ground, where such Materials shall be dug or gathered, according to the Directions of this Act, or any other Person or Persons, shall at any Time during the Continuance of this Act, load, take, or carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, which any Surveyor or Surveyors appointed under or by virtue of this Act, or any Person or Persons by him appointed, have got, gathered, or digged, out of any Waste or Common, River or Brook, or private Grounds, for the Purpose of repairing the said Road, or any Part thereof, or shall dig, gather, get, take, load, or carry away, any Gravel, Sand, Stones, or other Materials, out of any Pit, Hole, or Quarry, which such Surveyor, or any Person by him appointed, shall have made or opened for the Purpose of getting Materials for such Repairs as aforesaid, before such Time as the said Surveyor or his Workmen shall have discontinued getting any such Materials thereout, or working therein, for the Space of Forty Days (other than and except the Owner or Occupier of such private Ground for his own private Use, and Persons by him lawfully authorized to get Materials therein for the proper Use of such Owner or Occupier only, and not for Sale) every Person and Persons so offending, and being thereof convicted by Confession of the Party, or on the Oath or Affirmation of One credible Witness, before Five or more of the Trustees, or before One or more Justice or Justices of the Peace of the said Riding, shall, for every such Offence, forfeit and pay unto the said Trustees any Sum not exceeding the Sum of Five Pounds, to be levied in Manner aforesaid.

Penalty on drawing Timber, &c. otherwise than on Wheel Carriages.

And it is hereby further enacted, That if any Person shall hale or draw, or cause to be haled or drawn, in, upon, and along any Part of the said Road, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones, other than and except Mill-stones, otherwise than upon Wheel Carriages; every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

All Contracts made by the Trustees, &c. deemed valid, &c.

And whereas Doubts have been made of the Validity of Contracts entered into by Trustees appointed by Acts of Parliament for surveying and amending Turnpike Roads, their Clerks, Treasurers, or other Officers, with Workmen and other Persons touching the Repair of the

said Road, and whether (as such Trustees, and those acting under them, do not actually sustain any Special Damage) any Damages can be recovered against the Parties making Default in fulfilling such Contracts; for obviating the same, be it enacted by the Authority aforesaid, and it is hereby declared, That all Contracts in Writing entered into pursuant to an Order at any Meeting made by the Trustees hereby appointed, or hereafter to be appointed, or any Five or more of them respectively, by their Clerk, Treasurer, Surveyor, or other Officer, with any Workman, or other Person or Persons, shall be binding upon all such Parties as shall sign the same, his and their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof; and that the Sum of Money requisite for putting the said Road into such Condition and Repair as by the said Contracts the said Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action against such Contractor as aforesaid, and making Default in fulfilling his said Contract; any Law or Usage to the contrary in any wise notwithstanding.

Surveyors may remove Annoyances,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors to be appointed as aforesaid, and such Person or Persons as he or they respectively shall, from time to time, appoint, and they are hereby respectively authorized and impowered to remove and prevent Annoyances on any Part of the said Highway or Road, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into the said Highway to the Prejudice thereof; and to open, cleanse, widen, or make deeper, any Watercourse or Ditch adjoining to the said Road; and to cut down, lop, or top, any Trees (except Timber Trees) Shrubs, or Bushes, growing on the said Highway, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in case the Owners or Occupiers shall neglect to cut down such Trees, Shrubs, or Bushes, or remove such other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hands of Three or more of the said Trustees, or their Surveyor or Surveyors.

cleanse Watercourses,

and cut down Trees, &c.

the Owners neglecting to do the same after Notice.

Surveyors to be reimbursed the Charges;

And it is hereby enacted and declared, That the Charges and Expences of such Works to be done by or by Order of such Surveyor or Surveyors (such Charges and Expences to be settled and ascertained by the said Trustees,

or

or any Three or more of them) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers neglecting or refusing to remove such Annoyances as aforesaid: And in case such Owner or Occupier, or such other Person or Persons, shall not, upon Demand, pay and reimburse to the said Surveyor such Charges as aforesaid, it shall and may be lawful to and for such Surveyor as aforesaid, by Warrant or Warrants under the Hands and Seals of the said Trustees, or any Five or more of them, or under the Hand or Hands, and Seal or Seals, of One or more Justice or Justices of the Peace for the Place where such Owner, Occupier, or other Person, shall reside, to levy the said Charges by Distress and Sale of the Goods and Chattles of the Person so offending as aforesaid; returning the Overplus (if any be) after deducting the reasonable Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattles shall be so distrained as aforesaid: And if, after Removal of any such Annoyances, such Person or Persons shall again offend in the like Kind, every such Person or Persons so offending, and being thereof convicted upon Oath or Affirmation made before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace for the said Riding, and which Trustees, or such Justice or Justices respectively, is and are hereby impowered to administer such Oath or Affirmation, shall, for every such Offence, forfeit and pay unto the said Trustees the Sum of Twenty Shillings, to be levied and recovered in Manner aforesaid.

to be levied by Distress and Sale.

Penalty of a Second Offence.

And it is hereby enacted and declared, That it shall and may be lawful to and for the several Surveyor or Surveyors, and such Person or Persons as shall be appointed by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways, and to cut and make Drains through any Grounds lying contiguous to the said Road; and to erect, rebuild, and keep in Repair, Arches of Brick, Timber, or Stone thereupon; and to divert and turn the said Road and Highway over any Part of the said Moors or Waste Grounds contiguous and adjoining thereto, or through which the said Road doth now pass; and also to widen any of the narrow Parts of the said Highway or Road, by opening, clearing, and laying into the said Highway or Road, any Grounds of any Person or Persons lying contiguous thereto (not being a Garden, Orchard, Plantation, Nursery of Trees, planted Walk, or Avenue to a House) and also to cause Ditches or Trenches

Surveyors may make Causeways,

erect Bridges,

and widen the narrow Parts of the Road;

to

to be made in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall adjudge necessary, for the better amending and keeping the said Road in good Repair; and also to make, or cause to be made, a Road or Way through, over, and along, the Grounds adjoining to any narrow or ruinous Part or Parts of the said Road hereby intended to be repaired (not being a Garden, Orchard, Yard, Park, or planted Walk, or Avenue to an House, Plantation, or Nursery of Trees) to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a Road, whilst the old, adjacent, narrow, or ruinous Road is repairing, and until the same shall be made convenient and safe for Passengers and Carriages to travel and pass; making such reasonable Satisfaction to the Owners or Occupiers of such Ground which shall be so laid in or unto the said Road, or through which any such Drain or Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges, or through, over, or along which, such occasional or temporary Road shall be made, for the Damage which he, she, or they, shall or may thereby sustain, as shall be assessed and adjudged by the Justices of the Peace at the General Quarter Sessions to be next holden for the Riding aforesaid, in case any Difference shall arise between the said Trustees and such Owners and Occupiers respectively, concerning the same: And if any Owners or Occupiers of any Watercourse, Ditch or Ditches, adjoining to the said Highway or Road, shall neglect or refuse to cleanse or scour such Watercourse or Watercourses, and to make such Ditch or Ditches so deep, and in such Manner, as such Surveyor or Surveyors shall adjudge proper and convenient, after such Notice shall be given for that Purpose by such Surveyor or Surveyors, or such Person or Persons as shall be appointed by him or them by virtue of this Act, to such Owners or Occupiers; it shall and may be lawful to and for such Surveyor or Surveyors to set any Man or Men to work, to scour, cleanse, and make the same; and, by Warrant from any Five or more of the said Trustees, to levy the Charges thereof upon the Goods or Chattles of the Owner or Owners, Occupiers or Occupiers, of such Watercourses, Ditch or Ditches, by Distress and Sale of his, her, or their Goods and Chattles, rendering the Overplus (if any be) to the Owner or Occupier, after all Charges paid.

and make a temporary Road;

making Satisfaction to the Owners.

If the Owners shall neglect to scour their Ditches, after due Notice given for that Purpose,

Surveyors may set Men to do the same,

and levy the Charge.

Provided

If the Roads over any Moor, &c. be discontinued, Inhabitants not liable to repair the same.

Provided always, That in case the ancient or former Way over any Moor or Waste Ground shall, by virtue and in pursuance of this Act, be turned or diverted, the Inhabitants of the Township, Parish, or Hamlet, wherein the old Road which shall be thereby left off or discontinued shall lie, shall not be obliged to repair such old Road, unless the same lead to some other Village, Town, or Place, than the new Road doth; and such old Road shall be disused and discontinued.

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

And whereas it may happen, that some Persons, or Bodies Politick, Corporate, Collegiate, Feoffees in Trust, or others, are seised or possessed of some Lands, Grounds, Tenements, or Hereditaments, which, according to the Powers given by this present Act, may by the said Trustees be thought necessary or proper to be taken in and added to the said Road, either for extending, widening, enlarging, turning, altering, or amending the same as aforesaid, and they may be willing to treat and agree to sell such Land, Ground, Tenements, and Hereditaments, for the Purposes aforesaid, but are incapable of selling, granting, or conveying the same, by reason of Infancy, or other Disability; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person and Persons whatsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, Tenements, or Hereditaments, to treat, contract, and agree, with the said Trustees, or any Five or more of them, for Satisfaction to be made them respectively for such their Land, Grounds, Tenements, and Hereditaments, or any Part thereof, or their Interest therein, for the Purpose aforesaid, and to sell and convey the same, as Occasion shall be or 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, Usage, or any other Matter or Thing whatsoever to the contrary thereof, in any wise notwithstanding; and that all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Where Persons refuse to treat, &c. for Sale of such Lands, &c.

And it is hereby further enacted, That if any such Owner, Proprietor, or Occupier, Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or other Person or Persons, interested in such Lands, Grounds, Tenements, or Hereditaments, upon convenient Notice to them given or left in Writing at the Dwelling-house or Place of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, Tenements, and Hereditaments, so to be taken into, and added to, the said Road, as aforesaid, or into which such Way, Path, or Road, shall be turned or altered as aforesaid, shall, by the Space of Thirty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree for the Sale of the same, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Seven 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 of the said County of York (which Oath the said Trustees, or any Five or more of them, are hereby impowered to administer) what Damages such Owners, Occupiers, or Proprietors, or other Person or Persons interested or concerned therein, shall or may suffer or sustain for or by reason of the taking of any such Land, Ground, Tenements, or Hereditaments, into the said Road, and what Recompence and Satisfaction such Owners, Occupiers, Proprietors, or other Person or Persons suffering thereby, shall respectively have and receive by reason or on account thereof; and for that Purpose, and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before them all and every Person and 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 Five or more of them, are hereby impowered and required to administer) and they shall also order and cause the said Jury to view the said Places in Question, and to use all other lawful Ways and Means, as well for their own as the said Jury's Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have so inquired of, ascertained, and settled, such Damages and Recompence, they

the Damage and Recompence to be settled by a Jury.

Witnesses to be summoned, and examined upon Oath.

the

the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors, of the said Land, Grounds, Tenements, and Hereditaments, or other Persons interested therein, according to such Verdict or Inquisition of the said Jury; which said 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 or Persons whatsoever, claiming in Possession, Reversion, Remainder, or otherwise, and their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any Disabilities whatsoever, Bodies Politick, Corporate, and Collegiate, as well as all other Person and Persons whatsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Land, Ground, Tenements, and Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property, of, in, to, or out of, the same: And, for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the said County of York, thereby 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; and such Sheriff is hereby required thereupon to impanel, summon, and return, such Twenty four Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees, or any Three or more of them, shall swear, or cause to be sworn, Twelve, 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, to attend that Service, to the Number of Twelve.

Verdict of the Jury to be binding and conclusive.

Trustees to issue their Warrants to the Sheriff, &c. to impanel a Jury.

Provided always, and be it further enacted by the Authority aforesaid, That all Persons concerned shall, from time to time, have their lawful Challenges against any of the said Jurymen when they come to be sworn; and that

Jurors may be challenged.

the

the ſaid Truſtees, or any Five or more of them, acting in the Premiſſes, ſhall have Power, from time to time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premiſſes, or on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury not appearing, or refuſing to be ſworn on the ſaid Jury, or, being ſo ſworn, and refuſing and not giving their Verdict concerning the ſame, or in any other Manner neglecting their Duties therein, contrary to the true Intent and Meaning of this Act; and alſo, from time to time, to impoſe ſuch Fines and Penalties on any Perſon or Perſons, who being required to give Evidence before the ſaid Jury concerning the Premiſſes, ſhall refuſe to be examined, or to give Evidence, touching the ſame, as the ſaid Truſtees, or any Five or more of them, ſhall think fit; and which ſaid Fine or Fines ſhall be levied and recovered in ſuch Manner as any Fine or Penalty is by this Act directed to be levied and recovered, ſo as no ſuch Fine do exceed the Sum of Five Pounds upon any One Perſon; and all ſuch Fines ſhall be ſo employed, and for ſuch Uſes, and in ſuch Manner, as the Tolls or Monies granted or to be raiſed by virtue and in purſuance of this Act, are to be laid out and applied.

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

Fine not to exceed 5 *l.*

And be it further enacted, That all and every ſuch Sum or Sums of Money, Conſideration, Recompence, or Satisfaction, to be agreed for, aſcertained, or aſſeſſed, as aforeſaid, ſhall be and are hereby charged and chargeable upon the Tolls and Monies which ſhall be raiſed and borrowed, and be iſſued and applied, and ſhall be paid thereout unto the Perſons reſpectively intitled to the ſame, or to their reſpective Agents; and that upon Payment or Tender thereof to the ſaid Perſons ſo reſpectively intitled thereto, and, in caſe of Refuſal to accept the ſame, then, upon leaving the ſame in the Hands of the Clerk for the time being of the ſaid Truſtees, for the Uſe of ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall appoint the ſame to be paid unto; and, after Three Months Notice thereof given to ſuch Perſon or Perſons, it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, their Surveyors, Workmen, or Agents, to take into and add to the ſaid Road ſuch ſaid Ground, Lands, or Tenements, and to do all and every ſuch Act, Matter, or Thing, with relation to the ſaid Ground, Lands, Tenements, and Hereditaments, ſo to be taken into and added to the ſaid Road, and to ditch and fence out the ſame, as the ſaid Truſtees, or any Five

Money allowed for Lands, &c. how to be charged and tendered.

Five or more of them, shall think fit: And the said Ground or Grounds, Lands or Tenements, so to be taken in, when the same shall be so ditched and fenced as aforesaid, shall, to all Intents and Purposes whatsoever, from thenceforth become and be, and shall be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Road, not only during the Continuance of this present Act, but for ever after, and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner, as other Highways are by Law to be repaired; And after such Purchase shall be so made as aforesaid, and such new Road compleated, the Lands or Grounds comprized in, or constituting, the old or former Road, in lieu whereof the Land or Ground for such new Road or Way shall be purchased as aforesaid, shall or may be sold or disposed of, by the said Trustees, or any Seven or more of them, to such Person or Persons as shall be willing to purchase the same, for the best Price that can be reasonably had or gotten for the same; and the Money arising by such Sale shall be applied and disposed of for the repairing and amending the Road by this Act intended to be repaired.

Lands when purchased to be deemed a publick Highway.

Old Road may be sold.

And, forasmuch as the Monies to be collected by such Receipt of the Tolls or Duties granted and made payable by this Act, will not be sufficient for the speedy repairing of the said Road; be it further enacted, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby impowered, from time to time, during the Continuance of this Act, by Writing under their Hands and Seals, to assign over the said Tolls and Duties, or any Part thereof, by virtue of this Act to be collected and levied, as a Security for any Sum or Sums of Money by them to be borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Repayment thereof, with lawful Interest or less; the Tolls and Charges of such Assignments to be borne and paid out of such Tolls and Duties; and the said Money so borrowed, shall be applied and disposed of as the said Tolls or Duties raised and collected on the said Road, are directed to be applied and disposed of, by this Act, and to no other Use or Purpose whatsoever.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That the Dates, Parties, and Contents, or Substance, of all and every Assignment or Assignments, or other Security or Securities, so to be made by the said Trustees,

Assignments to be entered in a Book.

as aforesaid, shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Treasurer for the time being of the respective District wherein the Tolls so mortgaged as aforesaid shall arise, and be collected; and the said Book or Books shall and may be seen and perused at all seasonable Times, by any Person or Persons whatsoever, without Fee or Reward.

Notice to be given of borrowing Money.

Provided also, and it is hereby declared, That no Money shall be borrowed by the said Trustees, or any of them, on the Credit of the Tolls to be collected, unless Notice be for that Purpose fixed, in Writing under the Hand of the Clerk to the said Trustees, upon all the Turnpike-gates to be erected by virtue of this Act, at least Twenty Days before the borrowing of such Money.

Penalty on Persons unloading Goods, or taking off Horses, &c. to avoid Payment of the Tolls.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall at any Time, during the Continuance of this Act, unload, or cause to be unloaded, any Grain, or any Sort of Grain or Merchandize, or take off any Horse or Horses from any Coach, Chariot, Chaise, or any Horse or Horses, Or or Oxen, or other Beasts of Draught, from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes erected by virtue of this Act, with an Intent to avoid paying any of the Tolls or Duties hereby imposed, or shall conceal or secrete any Goods, or any other Thing chargeable with any of the Tolls aforesaid, or shall put or leave in any House or other Place any Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, Horse, or any Sort of Cattle, liable to pay the said Tolls or Duties, with such Intent as aforesaid, each and every Person so offending shall, for every such Offence, forfeit and pay to the said Trustees, or to their Treasurer for the time being, the Sum of Twenty Shillings; which shall be recovered and levied as any other Penalties and Forfeitures are to be recovered and levied by virtue of this Act.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures imposed by this Act, and to be incurred by Force and Virtue thereof (touching which no Provision is herein before made) shall be recovered and levied by Distress and Sale of the Goods and Chattles of the Offender and Offenders, by Warrant or Warrants under the Hands and Seals of Five or more of the said Trustees, or under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the Riding, Borough, or Place wherein the said Penalties and Forfeitures shall be incurred, or

the Offender or Offenders shall reside (which Warrant or Warrants the said Trustees, Justice or Justices, respectively, is and are hereby impowered and required to grant, on the Information of One or more credible Witness or Witnesses, upon Oath or Affirmation, as aforesaid; and which Oath or Affirmation the said Trustees, Justice or Justices, respectively, is and are hereby impowered and required to administer) and the Penalties and Forfeitures, when recovered, shall go and be applied, and laid out, for and towards the amending the said Road whereon, or in regard to which, the said Offence shall be committed, and the Overplus of the Goods distrained (if any be) shall, upon Demand, be returned to the Party distrained, after the reasonable Charges of such Distress and Sale, to be settled and ascertained by the said Trustees, or any Five or more of them, or by such Justice or Justices respectively, shall be deducted.

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

Provided always, and it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, and they are hereby authorized and impowered, from time to time, whenever they shall deem it expedient, to vary the Tolls and Duties hereby granted and made payable, by lessening, reducing, or advancing the same after any such Reduction; and to order and direct such Tolls and Duties so lessened, reduced, or re-advanced, to be collected, received, taken, laid out, and applied, for the Purposes of this Act, in such Manner, Parts, and Proportions, as they shall think fit, so as such Reduction be no Prejudice to the Persons who shall have lent Money on the Credit of the said Tolls, or any of them, or any Person or Persons who, at the Time of such Reduction, shall have any Money secured thereby, and so as such advanced Tolls do not exceed the Tolls and Duties herein before granted; any thing herein contained to the contrary in any wise notwithstanding.

and raise them again.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That the Tolls and Duties hereby granted shall take Place from and after the First Day of June, One thousand seven hundred and fifty nine, and shall continue and be paid from thence, for the Term of Twenty one Years, and from thence to the End of the next Session of Parliament; subject nevertheless to such Variation as aforesaid.

If before the Expiration of the Term, the Road shall be sufficiently repaired, &c. Tolls to cease.

Provided always, That if, at any Time before the Expiration of the said Term, the said Road shall be sufficiently repaired and amended, and so adjudged by the Justices

Justices of the Peace for the West Riding of the County of York, at the General Sessions of the Peace holden next after Easter; then, and from and immediately after such Adjudication made, and Repayment of all such Monies as shall have been borrowed upon the Credit of the said Tolls and Duties, with Interest for the same, shall be paid, satisfied, and discharged, then, and from thence-forth, the Tolls and Duties granted and made payable, shall cease and determine.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, on giving Notice in Writing, to be fixed on the said Turnpike or Toll-bar already erected in Pately Bridge aforesaid, or which shall be erected with such Consent as aforesaid, and also on all such other Turnpike-gates which shall be then erected and set up on the said Road, of their Intent to let and set One Moiety of the Tolls to be collected at the said Toll-bar at Pately Bridge aforesaid, and the other Tolls or Duties by this present Act granted and made payable, at least Ten Days before their Meeting for such Purpose, from time to time, by Writing under their Hands and Seals, to demise and lease the said Tolls and Duties so granted and made payable as aforesaid, or any Part thereof, unto any Person or Persons from Year to Year, or for any Term of Years not exceeding Three Years, for the best yearly Rent or Sum that can be got for the same; payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Trustees, or any Seven or more of them, shall direct or appoint; which yearly Rent or Sum so to be paid, shall be applied and disposed of as the Tolls and Duties granted by this Act are directed to be applied to and disposed of, and to no other Use or Purpose whatsoever.

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

And be it further enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for any of the Trustees appointed, or to be appointed, to put this Act in Execution, who is, are, or shall be, in the Commission of the Peace for the West Riding of the County of York, to act as Justice or Justices of the Peace, in all such Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained.

On Death or Removal of Trustees, others to be chosen.

And be it further enacted by the Authority aforesaid, That for the continuing a sufficient Number of fit and able Persons to be Trustees for putting in Execution all

and

and every the Powers in this Act contained, it shall and may be lawful for the said Trustees appointed, and to be appointed, or any Seven or more of them, upon the Death, Removal, or Refusal to act, of any of the said Trustees, by Writing or Writings under their Hands and Seals, from time to time, during the Term aforesaid, to elect, nominate, and appoint, in the Room of such Trustee or Trustees so deceased, removed, or refusing to act, other fit and able Person or Persons to be added to, and joined with, the said Trustees, so electing, in the Execution of the several Powers in them reposed by virtue of this Act; Notice of the Time and Place of Meeting for the Election of such new Trustee or Trustees being given by the Clerk to the said Trustees; who is hereby required to fix, or cause to be fixed, such Notice in Writing, at or on all the Turnpike-gates which shall be then erected by virtue of this Act, at least Ten Days before such Election: And all and every Person and Persons to be chosen Trustee or Trustees to join in putting this Act in Execution, shall and may, and are hereby impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the Trustees so electing, are by this Act impowered to do, and so, from time to time, as Occasion shall be or require.

10 Days Notice to be given of such Election.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, at any of their public Meetings, shall and may, and they are hereby impowered from time to time, as they shall see convenient or think fit, to compound or agree for any Time not exceeding One Year, with any Person or Persons travelling through the Turnpike or Turnpikes already erected, or hereafter to be erected, by virtue of this Act, with any Horse, Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, for any Sum or Sums of Money, to be paid Quarterly, or otherwise, from time to time, after such Agreement shall be made; Minutes of all which Compositions or Agreements so to be made by the said Trustees as aforesaid, shall be entered in a Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; and which said Books shall and may be seen and perused by any Person or Persons whomsoever, at all seasonable Times, without Fee or Reward.

Trustees may compound with Travellers.

Compositions to be entered in a Book.

Provided always, and be it enacted by the Authority aforesaid, That in case any Composition-money agreed to be paid for passing through the Turnpikes already erected, or which shall hereafter be erected, by virtue of this Act

Composition-money how to be recovered.

Toll-free, or in lieu of any Statute or Days Work of the Inhabitants of any Parish, Township, Hamlet, or Place, wherein the Road to be amended by virtue of this Act doth lie, shall not be paid within Fifteen Days next after the same shall become due and payable, according to such Composition or Agreement; then it shall and may be lawful for any Five or more of the Trustees, or for any One or more Justice or Justices of the Peace of the said West Riding, by Warrant under their or his Hands and Seals, or Hand and Seal, to impower the Person who shall be authorized by the said Trustees, or any Five or more of them, to receive such Composition-money, and Oath or Affirmation being made, that the same has been demanded and remains unpaid; (which Oath or Affirmation such Trustees, Justice or Justices, is and are hereby authorized to administer) to levy such Composition-money by Distress and Sale of the Goods and Chattles of the Person and Persons so having compounded for passing through any of the said Turnpikes Toll-free, as aforesaid; or of the Person or Persons who shall so compound for, or in respect of, the said Statute or Days Work; or of the Surveyors of the Highways, for the time being, of such Parish, Township, or Hamlet, in respect of whose Statute or Days Work such Composition shall be made, returning the Overplus, upon Demand, if any be, after the Charges of such Distress and Sale thereout are first deducted.

Surveyors paying the Composition-money, how to be reimbursed.

Provided always, and be it further enacted by the Authority aforesaid, That if any of the Surveyors of the Highways of and for such Parish, Township, Hamlet, or Place, for which any such Composition shall be made for any Statute or Days Work as aforesaid, shall pay the Composition-money; or in case such Composition-money shall be levied on him in Manner herein before provided; all and every such Surveyor or Surveyors shall and may be reimbursed the Composition-money he shall so pay, or which shall be so levied on him, together with the Charges of levying the same, in the same Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be reimbursed the Monies by them expended in buying Materials for mending the Highways.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the Trustees herein before appointed for the putting this Act in Execution, or any Seven or more of them, shall meet together at the House of William Benson, being the Sign of The Star, in Ripley aforesaid, on the

Second

Second Day of June, One thousand seven hundred and fifty nine, and proceed to the Execution of this Act; and shall then severally adjourn themselves; and, within Ten Days after, assemble themselves severally at the same or any other Place or Places near the Highway or Road to be repaired, as the said Trustees, or any Five or more of them, shall think proper or convenient, as often as it shall be necessary for the putting this Act in Execution: And if it shall happen that there shall not appear at any Meeting which shall be appointed to be had or held by the said several Trustees, a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Day; then, and in such Case, the Clerk to the said Trustees, by Notice in Writing under his Hand, to be affixed at the respective Gates or Turnpikes to be erected, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the Place where the Meeting of the said Trustees was last appointed to be held, at some other convenient Place near the said Road, on that Day Three Weeks upon which such last Meeting of the said Trustees was appointed to have been held; and that the said Trustees appointed and to be appointed by virtue and in pursuance of this Act, shall, as well at their First Meeting as at their subsequent Meetings, defray their own Charges and Expences.

In Default of a sufficient Number to act, Notice to be given of another Meeting.

Trustees to defray their own Expences.

Provided always, and be it further enacted, That no Person or Persons appointed or to be appointed by this Act 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, the Tolls or Duties by this Act granted; but such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of his accepting, and during the Enjoyment of, such Place of Profit as aforesaid.

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

Provided also, and be it further enacted, That no Person shall be capable of acting as a Trustee for the Purposes of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or in the Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the yearly Value of One hundred Pounds, or shall be Heir Apparent to some Person or Persons having an Estate of the yearly Value of Three hundred Pounds, or is possessed of, or intitled to, a Personal Estate to the Amount of Three thousand Pounds, or of Real and Personal Estate together, of the Value of Three thousand Pounds: And if any Person so hereby made or declared incapable to act for the Causes

Qualification of Trustees.

Penalty on Persons acting, if not qualified.

Causes aforesaid, shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every Person or Persons, for every such Offence, shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons that shall inform and sue for the same, to be recovered in any of His Majesty's Courts of Record by Action of Debt or on the Case, Bill, Plaint, or Information, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed.

Road to be measured, and Mile-stones erected.

And it is hereby further enacted, That the said Trustees, or any Five or more of them, shall cause the said Road to be measured, and Stones or Posts to be erected and set up, in or near the Sides of such Road, One Stone or Post to be placed at the Distance of One Mile from another, and denoting the Distance of every such Stone or Post from any other Place, as to the said Trustees, or any Five or more of them, shall seem meet: And

Penalty on defacing Mile-stones, &c.

if any Person or Persons shall wilfully and maliciously break any of the Stones or Posts, or any Part thereof, which shall be so erected and set up as aforesaid, or for protecting any Horse Causeway or Foot Causeway, or for any other Purpose whatsoever, in pursuance of this Act; or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon; or shall wilfully drive, or cause to be driven, any Cart, Waggon, or other Carriage, upon or over any Horse or Foot Causeway in the said Road, where the Carriage Way is passable for Wheel Carriages, and shall be convicted thereof by the Confession of the Party, or on Oath or Affirmation of One or more credible Witness or Witnesses, before the said Trustees, or any Five or more of them, or One or more Justice or Justices of the Peace for the said West Riding, every Person or Persons so offending shall, for every such Offence, forfeit and pay

to be levied by Distress and Sale.

Forty Shillings, to be levied 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 such Trustees, Justice or Justices, before whom such Conviction shall be made; such Forfeiture to be applied in repairing the Stones or Posts so broken and 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 within the District where the Offence shall be committed; and in case the Person

For want of Distress the Offender to be committed.

or Persons so offending and convicted shall have no Goods and Chattles, then it shall and may be lawful to and for such Trustees, Justice or Justices respectively, by Warrant

rant or Warrants under their or his Hands and Seals, or Hand and Seal, to commit such Person or Persons to the House of Correction for the West Riding of the said County of York, for the Space of One Calendar Month, to be computed from the Day of such Commitment; and the Person and Persons so offending and convicted, shall not be discharged, till he, she, or they, shall have paid the said Sum of Forty Shillings, or until the Expiration of the said One Month.

Writings to be without Stamps.

Provided also, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, 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 Power or Authority hereby vested in such Trustees or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

Assignments may be transferred, and the Manner of doing so.

And it is hereby also further enacted by the Authority aforesaid, That all and every Person or Persons to whom any Assignment or Assignments, or other Security or Securities, shall be made by the said Trustees, or any Seven or more of them, by virtue and in pursuance of this Act, as a Security for any Sum or Sums of Money by any Person lent and advanced on the Credit of the said Tolls and Duties, who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hands, to be duly executed in the Presence of Two or more credible Witnesses, assign and transfer his, her, or their Right, Title, and Interest, in and to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks so to be appointed as aforesaid, within Six Months next after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred, in the said Book to be kept for entering the said original Assignments, or other Securities; for which the said Clerk or Clerks shall be paid

Clerk's Fee.

paid the Sum of Two Shillings, and no more; and after such Entry made, such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner, assign again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall make such Assignment, thenceforth to make void, release, or discharge the same, or any Monies due, or any Part thereof.

Assignments to be entered in a Book,

And be it further enacted by the Authority aforesaid, That Minutes of the Dates, Parties, and Contents, or Substance, of all and every Assignment or Assignments, or other Security or Securities, Lease and Leases, made by the said Trustees, and the Transfers of such Securities, and of all Orders and Proceedings, or Compositions, with the said Trustees, or any of them, shall be entered in a Book or Books to be kept for that Purpose by the said Clerk; which said Book or Books shall and may be seen and perused at all seasonable Times by any Person or Persons whomsoever, without Fee or Reward; and such Orders so entered being signed by the Clerk to the said Trustees, at any Meeting of Five or more of the said Trustees, as the Case shall require, shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of Five or more of the said Trustees; which said Book or Books shall and may be produced and read in Evidence in all Cases of Suits, or Actions, touching any thing done in pursuance and by the Authority of this Act.

and signed by the Clerk.

Books may be read in Evidence.

And whereas by Means of certain Lanes or Ways, the one called Whipley Lane, and the other known by the Name of Glass-house Hippings, and also One other Lane leading from Bishop Side Moor, by a certain Stone Quarry, into the Town of Pateley Bride aforesaid, communicating with or leading into the Road or Highway by this Act intended to be repaired, the Payment of the Tolls or Duties by this Act vested in the said Commissioners may be eluded; for preventing any such Frauds, be it further enacted by the Authority aforesaid, That the said Lanes or Ways shall, from and after the passing of this Act, be stopped up and discontinued; and the said Trustees named in and appointed by this Act, or any Five or more of them, are hereby authorized and required to stop up the same accordingly.

*Whipley Lane* and *Glass-house Hippings*, to be discontinued.

Not to exclude Owners of adjacent Grounds.

Provided always, That nothing herein contained shall extend or be construed to extend to exclude the present or any

any future Owner or Owners, Occupier or Occupiers, of any Lands adjoining to or near the said Lanes or Ways respectively, or their Servants for the time being, and at all Times, when and as often as Need or Occasion shall require, from passing and repassing over, through, and along, the said Lanes or Ways respectively with any Cattle or Carriages whatsoever, to and from, or for the necessary Use and Enjoyment, of their said respective Lands and Grounds only, and not otherwise.

The *Ripon* Trustees to enforce the Powers given by this Act.

And be it further enacted by the Authority aforesaid, That the Commissioners appointed or to be appointed for putting in Execution the Powers and Authorities in the said recited Act contained, or any Seven or more of them, shall, and they are hereby authorized and impowered, for the raising Money upon the Credit of the Tolls and Duties thereby, and by this present Act, vested in them, and for letting and compounding the same, to use, exercise, and enforce, all and every the Powers and Authorities by this present Act given for raising Money upon the Credit of the Tolls or Duties hereby given and made payable, and for letting and compounding for the same, in as full and ample Manner, to all Intents and Purposes, as the Commissioners appointed, or which shall be appointed, by this Act, can or may exercise or enforce.

Trustees under the *Leeds* Act to have Power over such Part of the Road as interferes with theirs.

And be it further enacted by the Authority aforesaid, That the Trustees and Commissioners appointed and to be appointed in or by virtue of an Act made in the Twenty fifth Year of the Reign of his present Majesty, intituled, An Act for repairing the Roads from the Town of *Leeds* through *Harewood*, to the South-west Corner of the Inclosures of *Harrow-gate*, and from thence in Two Branches (one through *Ripley*, over *Burgage Green*, and the other through *Knaresborough* and *Borough-bridge*) to *Ripon*; and from thence to the First Rill of Water or Watercourse on *Hutton Moor*, in the County of *York*; and for repairing the Sloughs or Ruts on the said Moor; shall and may survey, order, amend, repair, and keep in Repair, the Road or Highway leading from the Junction of the Roads from Leeds and Knaresborough to and through Ripley in the Way to Ripon, in the said County, and put in Execution, as heretofore, all and every the Powers in and by the said Act given, so far as the same relates to the said Road between the Junction of the Roads between Leeds and Knaresborough to and through Ripley aforesaid; and that the same shall not be liable to the Controul or Orders of the Commissioners or Trustees in or by virtue of this Act appointed or to be appointed, or any of them; any thing

thing herein contained to the contrary in any wise notwithstanding.

No Bar to be set up thereupon.

Provided nevertheless, That no Bar shall ever be set up or erected between the Junction of the said Roads from Leeds and Knaresborough, and the North End of the Town of Ripley aforesaid.

Act 24 *Geo.* II. for the Preservation of Turnpike Roads, to extend to this.

And whereas by an Act passed in the Twenty fourth Year of the Reign of His present Majesty, intituled, An Act for the more effectual Preservation of the Turnpike Roads in that Part of *Great Britain* called *England*; and for the Disposition of the Penalties given by Acts of Parliament relating to the Highways in that Part of *Great Britain* called *England*; and for enforcing the Recovery thereof; and for the more effectual preventing of Mischiefs occasioned by the Drivers riding upon Carts, Drays, Cars, and Waggons, in the City of *London*, and within Ten Miles thereof; certain Powers, Authorities, and Remedies, for demanding, collecting, receiving, and levying the additional Tolls or Duties, Penalties and Forfeitures, thereby inflicted and made payable, are vested in the Trustees or Commissioners appointed, or thereafter to be appointed, by any Acts of Parliament in that Part of Great Britain called England, in their respective Districts: Now, to prevent any Doubts that may arise touching the Construction of the said Act, it is hereby further enacted and declared by the Authority aforesaid, That the said Act, and all and every the Clauses therein contained, shall be deemed, adjudged, and taken to extend to the Highways and Roads in and by this Act directed to be repaired, in the same Manner as if the same had been Turnpike Roads before passing of the said Act; and that all and every the Carriers and Waggoners travelling or using the said Roads hereby directed to be repaired, or any of them, shall incur and be liable to the Penalties, Forfeitures, additional Tolls and Duties, as by the said Act of the Twenty fourth Year of His present Majesty are inflicted, imposed, or made payable; and that the same Tolls, Duties, Forfeitures, and Penalties, and all Powers, Authorities and Remedies for the receiving, recovering, or levying the same, shall be and are hereby vested in the several Trustees and Commissioners appointed and to be appointed by virtue of this Act within their respective Districts or Divisions, in as full and ample a Manner as if the said Roads or Highways, hereby directed to be repaired, had been Turnpike Roads before the passing of the said Act; any thing herein contained to the contrary notwithstanding.

And

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Distress not to be deemed unlawful for want of Form;

nor the Party distraining deemed a Trespasser *ab initio*.

Provided, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Ten Days Notice shall be thereof given to the Clerk or Clerks, or after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Months next after the Fact committed; and every such Action shall be laid in the County of York, and not elsewhere: And the Defendant and Defendants in every such Action and Suit, shall and may plead, at his Election, Specially, or 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 to be so done, or that such Action or Suit shall be brought before Ten Days Notice shall be thereof given as aforesaid, or of a 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, Place or Places, than where the Fact was committed; then the Jury shall find for the Defendant or Defendants: And upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such other Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

Limitation of Actions.

General Issue.

Treble Costs.

And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted by the Authority aforesaid, That all and every the Justice or Justices

of the Peace, Trustee or Trustees, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, as the Case shall happen, or in any other Form of Words to the same Effect:

Conviction to be in the following Form.

West Riding of the County of *York*. } BE it remembered, that on the in the Year of His Majesty's Reign, *A. B.* is convicted before of His Majesty's Justices of the Peace for the Riding aforesaid, or before us of the Trustees nominated and appointed for putting in Execution the Powers contained in an Act of the Thirty second Year of the Reign of His Majesty King *George* the Second, intituled, *An Act for repairing and widening the High Road from* Wetherby *to* Grassington *in the County of* York, (specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be.)

Given under our Hands and Seals, the Day and Year aforesaid.

Proceedings not to be quash'd for want of Form,

Which said Form and Conviction, or any of the Proceeding or Proceedings to be had, touching the Conviction of any Offender or Offenders against this present Act, or Order made touching any of the Matters aforesaid, by virtue of this Act, shall not be vacated or quashed for want of Form; or be liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

nor removeable by *Certiorari*.

Publick Act.

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

FINIS.