Anno quarto

Georgii III. Regis.

An Act for repairing and widening the Road from the West End of *Baxter Gate*, in the Town of *Whitby*, to the South End of *Lockton Lane*, in the Parish of *Middleton*, in the County of *York*.

WHEREAS the High Road leading from the West End of a Street in Whitby, in the North Riding of the County of York, called Baxter Gate, through the Towns of Ruswarp and Sleights, in the said Parish of Whitby, and over the Moors to the South End of Lockton Lane, in the Parish of Middleton, in the same Riding, being the greatest Part of the High Road leading from Whitby aforesaid, to the Towns of Pickering and Thornton, in the said North Riding, and containing Sixteen Miles, or thereabouts, hath been, for many Years past, very ruinous, and deep and narrow, in most Places, except upon the Wide Moors, which Preamble.

have always been so soft, deep, and boggy, that, in the rainy and winter Seasons, Coaches, Waggons, and other Carriages, and even Travellers on Horseback, could not pass without great Danger; And whereas the Gentlemen and Inhabitants of the Town of Whitby, and other neighbouring Places, have, within these few Years past, raised amongst themselves, by voluntary Subscriptions, the Sum of Fifteen hundred Pounds, or thereabouts, and laid the same out in repairing the said Road, and particularly in making a good Carriage Road over great Part of the said Moors; but as the same cannot be kept in good Repair, nor the other Parts of the said Road be sufficiently repaired and maintained, or widened where necessary, unless some further Provision be made for raising Money to be applied for those Purposes; 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, That Sir George Savile, Sir William Saint Quintin, Sir George Strickland, Sir Charles Hotham, Sir Digby Legard, Sir George Cayley, Baronets; Edwin Lascelles, Nathaniel Cholmley, William Osbaldeston, Andrew Wilkinson, John Major, Fountain Wentworth Osbaldeston, William Saint Quintin, John Hill, Thomas Robinson, Mathew Chitty Saint Quintin, Stephen Croft, William Cholmley, Barnabas Legard, Thomas Morley, Bloomburg, Henry Willoughby, Robert Belt, William Reed, Carey Elwes, Robert Bower, Constantine Phipps, Robert Linskill, William Linskill, Peregrine Lascelles, Sherman Rookesby, Isaac Newton, John Yeoman, Adam Boulby, Thomas Boulby junior, William Barker, Christopher Richardson, Edmund Prissick, John Addison, William Wilson, Francis Hodgson, William Turner, Charles Turner, Timothy Ford, Barnard Ford, William Thompson, Stephen Croft junior, William Sympson, Richard Sympson, George Duck, Mathew Noble, Francis Easterby, Robert Wood, John Holt, Abel Chapman, Isaac Scarth, Thomas Scarth, Benjamin Linskill, John Linskill, John Kildill, Benjamin Chapman, Henry Clark, Robert Middleton, Thomas Hoult, Thomas Boulby, William Coates, shall be, and they and their Successors to be elected in manner herein after-mentioned, are hereby appointed Trustees for surveying, ordering, altering, amending, widening, and keeping in Repair, the said Road, and also for putting in Execution all other the Powers by this Act given; and that they, or any

Trustees Names.

any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, at any Meeting of the said Trustees, to be had as hereafter is mentioned and directed, shall appoint, shall and may erect, or cause to be erected, upon, in, and cross, the said Road hereby intended to be repaired, Three several Gates or Turnpikes, with a Toll-house at each of them, at or about the Three several Places hereafter mentioned; that is to say, One Turnpike or Gate, and Toll-house, at or about the Lane End leading from Ruswarp, in the Parish of Whitby, to Whitby aforesaid, where the cross Lanes leading to Stakesby and Whitby meet; one Turnpike or Gate, and Toll-house, at or about the North End of Sleight's Bridge, in the said Parish of Whitby; and one other Turnpike or Gate, and Toll-house, at Salter Gate, in the Parish of Middleton, in such Place there as the said Trustees shall think most convenient; and that the Tolls following shall be demanded and taken at the said Gate to be erected at Salter Gate aforesaid, and at One of the said Gates to be erected at the North End of Sleight's Bridge, and Ruswarp Lane End as aforesaid, by such Person or Persons as the said Trustees, or any Seven or more of them, shall, from time to time, appoint for that Purpose, or to whom the same shall be let, before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

Trustees may erect Turnpikes and Toll-houses,

and take the following Tolls thereat.

The Tolls.

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

For every Waggon, Wain, Cart, or Carriage, drawn by Six Horses, Oxen, or Beasts of Draught, the Sum of Two Shillings; and drawn by Five Horses, Oxen, or Beasts of Draught, the Sum of One Shilling and Ten Pence; and drawn by Four Horses, Oxen, or Beasts of Draught, the Sum of One Shilling and Eight Pence; and drawn by Three Horses, Oxen, or Beasts of Draught, the Sum of One Shilling and Six Pence; and drawn by Two Horses, Oxen, or Beasts of Draught, the Sum of One Shilling and

Four Pence; and drawn by One Horse, Ox, or Beast of Draught, the Sum of One Shilling.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unloaden, and not drawing, the Sum of Two Pence.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling per Score, and so in Proportion for any greater or less Number.

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

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; and the Money so thereby to be raised and collected, shall be and is hereby vested in the said Trustees, and shall be applied and may be assigned in such Manner as is herein after-mentioned; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay all or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, to seize and distrain any Horse or Horses or other Cattle, or any Goods or Chattles of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so seizing and distraining, shall and may sell the Horse or Horses, Cattle, Carriages, Goods, or Chattles, so seized and distrained, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

Tolls vested in Trustees.

Tolls to be levied by Distress and Sale.

Provided always, and it is hereby enacted and declared, That no Person, save such as hath subscribed and paid Twenty Pounds of the Money already laid out in the Repair of the said Road, over the Moors as aforesaid, shall be capable of acting as a Trustee in the Execution of this Act, unless he shall, during all the Time he shall so act, be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Seventy Pounds above Reprizes, or shall be Heir Apparent to some Person having an Estate of the yearly Value of Two hundred Pounds: And if any Person or Persons, so

Qualification of Trustees.

so made incapable, shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every such Person, for every such Offence, shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons that will inform or sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed. Penalty on acting, not being qualified.

Provided always, and be it enacted, That every Person nominated a Trustee as aforesaid, and who hath subscribed and paid Twenty Pounds, or upwards, of the Money already laid out in the Repair of the said Road over the said Moors, shall be capable of acting as a Trustee under this Act, although he shall not be qualified as herein before is mentioned.

And, for preventing any Disputes that may arise touching the Payment of any of the Tolls and Duties hereby granted, be it further enacted by the Authority aforesaid, That if there shall be Two or more Turnpikes or Toll-bars erected in, or on the Side of, or across, the said Road; then, and in such Case, the Tolls and Duties hereby granted and made payable, shall be divided and allotted into so many Parts, Shares, and Proportions, as the said Trustees, or any Seven or more of them, shall direct or appoint; and such Parts thereof shall be taken and received at such and so many of the said Turnpikes or Toll-bars erected on the same Road, as by the said Trustees, or any Seven or more of them, shall be ordered and appointed for that Purpose, and not otherwise. Trustees not to act where interested.

Provided always, and it is hereby further enacted and declared, That no Toll shall be demanded or taken by virtue of this Act, for Coaches, Berlins, Landaus, Chariots, Chaises, Calashes, Chairs, or Litters, or Passengers on Horseback, on the Day or Days on which there shall be an Election or Elections of a Knight or Knights of the Shire to serve in Parliament for the said County of York, or on the Day before and the Day after such Election or Elections shall begin and end, such Coaches, Berlins, Landaus, Chariots, Chaises, Calashes, Chairs, Litters, or Passengers, going to, or returning from, such Election or Elections; any thing herein contained to the contrary notwithstanding. No Toll on Election Days.

And be it further enacted by the Authority aforesaid, That out of the first Money arising by the Tolls which shall be collected by virtue of this Act, or out of such Money as shall be borrowed on the Credit thereof, the Application of the Tolls.

said Trustees, or any Seven or more of them, shall, in the first Place, pay and discharge all the Expences and Charges of procuring and passing this Act, and of erecting such Turnpikes and Toll-houses on the said Road as they shall think fit; and the Residue of the said Money shall be laid out and applied for and towards the repairing of the said Road, and other necessary Charges attending the same, and to no other Use or Purpose whatsoever.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall meet together at the House of Ralph Strong, being the Sign of The Angel in Whitby aforesaid, on the Day Month after the passing of this Act, and proceed to the Execution of this Act; and shall then, and from time to time afterwards, adjourn themselves to meet at such House or Place within the said Town or District of the said Road, as the said Trustees, or any Five or more of them, shall think most convenient: And if, at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, and to adjourn to another Day, or in case the Trustees, at any Time so assembled, shall omit or neglect to adjourn themselves, the Clerk or Clerks to the said Trustees, shall, from time to time, in either of such Cases, by Notice in Writing, to be affixed upon all the Turnpikes which shall be erected upon or cross the said Road, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to be held, on that Day Three Weeks after the Day for which such last Meeting was appointed; and the said Trustees, at all their Meetings, shall defray their own Expences; and that all Orders and Determinations of the said Trustees, in Execution of this Act, shall be at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless the Number of Trustees revoking or altering the same shall exceed the Number of Trustees by whom such Order was made, and unless the Person or Persons applying to revoke or alter any such Order, shall give Notice in Writing to the Clerk of the said Trustees, to be by him fixed up at all the Gates or Turnpikes then standing upon the said Road, at least Ten Days previous to any Meeting to be held for such

In Default of a sufficient Number to act, Meeting to be adjourned.

Trustees to defray their own Expences.

No Order to be valid, unless made by the Majority of the Trustees present; nor to be revoked but by a greater Number.

such Purpose; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of the Peace may act in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

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

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

Provided always, and be it further enacted by the Authority aforesaid, That Two Trustees shall be sufficient for the Purpose of Adjournment: And if it shall at any Time happen that no Trustee shall appear at the Time and Place appointed for any of the Meetings of Trustees, to be held under this Act, then, in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall and may be lawful for any Two or more of the Trustees appointed to put this Act in Execution, at any Time or Times (the Space of Ten Days after such Refusal, Neglect, or Prevention of the Clerk or Clerks having first intervened) to appoint such Trustees to meet at some House in or near the said Road, on that Day Fortnight after the Date of such Notice; which said Notice shall be in Writing, and shall be affixed on all the Turnpikes continued or erected by virtue of this Act, and the same shall be deemed and taken to be sufficient Notice for any such Meeting.

In case the Clerk shall omit to give Notice, Trustees may do it.

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by Writing under their Hands and Seals, to elect One other Person, qualified as aforesaid, to be a Trustee in the Room of such Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpikes in or upon the said Road, at least Ten Days before every such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers for putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

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

10 Days Notice thereof to be given.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses which shall be erected by virtue of this Act, and the Right and Property of the Materials provided for building or repairing the same, and of all Materials

Property of the Turnpikes and Toll-houses, &c. vested in the Trustees.

rials which shall be actually got or collected for repairing the said Road, shall be, and are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby impowered to dispose thereof, and, in their Names, or in the Names of any Five or more of them, or in the Name or Names of the Clerk or Clerks, Treasurer or Treasurers, for the time being, to bring Actions, or to prefer Indictments against any Person or Persons who shall disturb them in the Possession thereof, or who shall steal, take away, break down, or spoil, such Turnpikes or Toll-houses, or any of them, or any Part of them.

Trustees may vary the Tolls.

Provided also, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Seven or more of them, are hereby authorized and impowered, from time to time, if they shall think proper, to lessen, vary, or alter, all or any Part or Parts of the several Tolls hereby granted, and to raise the same again, so as the same do not exceed the Tolls by this Act granted, so as such Reduction be with the Consent of the several Persons who shall have advanced any Money on the Credit of the said Tolls, or who, at the Time of such Reduction, shall have Money secured thereon; but such Reduction shall not be made, unless Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpikes then erected upon the said Road, at least Fourteen Days before making such Reduction, and such Tolls, so lessened or altered, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Trustees may lease the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from time to time, by Writing under their Hands and Seals, to demise, lease, and to farm let, the Tolls or Duties by this Act granted, or any Part of such Tolls or Duties, to any Person or Persons, from Year to Year, or for any Term of Years, not exceeding Seven Years, for the best Price or Rent such Trustees can get, payable at such Times, and under such Covenants, as they the said Trustees, or any Nine or more of them, shall think fit, and to be paid to the said Trustees, or any Nine or more of them, or to such Person or Persons as they, or any Nine or more of them, shall appoint to receive the same; which Money so to be paid, shall be applied and disposed of as the Tolls or Duties granted

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ed by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll more than Once for passing or repassing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) with the same Cattle or Carriage, through any One Gate or Turnpike to be erected by virtue of this Act; but that all and every Person and Persons, after having paid Toll Once as aforesaid, shall, during the Remainder of such Day, pass Toll-free, with the same Cattle and Carriages, through the Gate or Turnpike at which any such Toll was paid, upon producing a Note or Ticket, denoting the Payment of such Toll; which Notes or Tickets the Collectors of the said Tolls are hereby required to give gratis on Receipt of the Toll. Tolls to be paid but Once a Day.

Provided also, That no Person who shall have paid Toll for passing through either of the Turnpike Gates to be erected as aforesaid, at the North End of Sleight's Bridge, and at Ruswarp Lane End, shall pay any Toll for passing through the other of the said Gates on the same Day with the same Cattle or Carriage. Proviso.

And be it further enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Carriage or Cattle going for, or returning unloaden, after being loaden with, or being laden only with Stone, Brick, Lime, Timber, Wood, Gravel, or other Materials, for repairing the said Road, or for making or repairing any Bridges or Arches belonging thereto, or for any Materials for amending any of the Highways in the Parishes or Townships in which the said Road directed by this Act to be repaired doth lie; or for any Post-horse carrying the Mail or Packet; or for the Horses of Soldiers passing, who are upon their March, or for Carriages attending them, or loaden with their Arms or Baggage; or for any Cattle or Carriage which shall only cross the said Road. Exemptions from Tolls.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall forcibly or wilfully go or pass with any Horse, Beast, or Carriage, through any or either of the Turnpikes by virtue of this Act to be continued, erected, or set up, without paying the Toll or Tolls by this Act directed to be paid for the same, or shall knowingly or designedly assault, interrupt, or obstruct, any or either of the Collectors or Persons in the collecting or receiving any or either of the said Tolls, or Penalty on evading the Tolls.

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any otherwise, in the Execution of his or their Office or Offices of Collector or Collectors, or shall forge, counterfeit, or alter, or shall deliver for or receive of, any other Person or Persons any Ticket or Tickets, with an Intent to avoid the Payment of any or either of the said Tolls, or any Part thereof; or if any Person or Persons shall take off, or cause to be taken off, any Horse, or other Beast, from any Carriage, or shall unload any Cattle or Carriage, or, having passed through any of the said Turnpikes, shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Road, so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through any of the said Turnpikes, with Intent to evade, or having thereby evaded the Payment of any or either of the said Tolls, or any Part thereof; or if any Person or Persons shall go or pass with any Horse, Beast, or Carriage, through or over any Land, Ground, or Place, lying by the Side of, or near to, the said Roads, the same not being a publick Highway; or if any Person or Persons owning or occupying any Land, Ground, or other Place, not being a publick Highway, shall knowingly and willingly permit or suffer any other Person or Persons to go or pass with any Horse, Beast, or Carriage, through or over such Land, Ground, or Place, in Order or with Intent that the Payment of the said Tolls, or either of them, or any Part thereof, should be avoided; such Persons, and every of them, so offending, shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings, over and besides such Damages and Punishments as they, and every of them respectively, shall be liable to by Law: And it shall and may be lawful for the said Collectors, and for every of them, and all other Persons by them required to assist in that Respect, to seize and distrain any Horse or Horses, Beast or Beasts, or Goods, belonging to, or in the Possession, or under the Care of, any Person or Persons so offending in the Premisses, and the same to take before any Justice of the Peace of the County or Place where such Offence or Offences shall be committed, and before him to make Complaint of such Offence or Offences; and such Justice may and is hereby required to examine the Nature of the Offence or Offences so complained of, and by the Confession of the Party or Parties complained of, or upon the Oath or Oaths of One or more Witness or Witnesses, if the said Justice shall see Cause,

Penalty on Persons giving or receiving Tickets, &c.

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

to avoid Payment of the Tolls.

Cause, to convict the Party or Parties complained of, if he, she, or they shall, or shall not appear before him, in the respective Penalties aforesaid; and for Non-payment thereof, and of the Tolls that shall be due, though the same shall not be demanded, by Warrant under his Hand and Seal, to cause the said Horse or Horses, Beast or Beasts, or Goods, to be sold for Payment of the said Tolls and Penalties, and the Charges of seizing, selling, and distraining, the same, and of such Convictions; and after Payment thereof, to render the Overplus of the Money arising by such Seizure, and Distress and Sale, if any there shall be, to the Owner or Owners of the said Horse or Horses, Beast or Beasts, or Goods, or to the Person or Persons under whose Care or in whose Possession they respectively was or were when so seized, distrained, and sold, as aforesaid; and if no such Seizure and Distress as aforesaid can or shall be made, then the aforesaid Penalties, Forfeitures, and Tolls, shall be levied and recovered by such Means, and in such Manner, as are herein after mentioned and provided for the levying and recovering of Penalties and Forfeitures imposed by this Act.

Trustees may erect Sidegates, &c.

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, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Road, and cross any Lane or Way leading out of the same, and there to take and receive such Tolls as are by this Act granted and made payable, so as the same do not extend to a double Charge, in case of passing through any other of the Turnpikes which shall be erected by virtue of this Act.

and take Toll thereat, so as the same do not extend to a double Charge.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and they are hereby impowered, by Writing under their Hands, to appoint One or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the said Tolls, and Surveyor or Surveyors of the said Road, and such other Officers for the due Execution of this Act, and the Powers hereby given, as they the said Trustees, or any Seven or more of them, shall think proper; and from time to time, to remove such Officer or Officers, and on the Death or Deaths, Removal or Removals, of such Officer or Officers, to appoint others in their Stead; but Seven Days Notice shall be given of every Meeting, where any such Appointment or Removal shall be made, after the First Meeting

and remove them, and appoint others.

ing of the said Turnpikes; and by and out of the Monies that shall be raised by virtue of this Act, may and are hereby impowered to appoint and make such Salaries and Allowances to such Officers and other Persons by them the said Trustees employed, as they shall think reasonable: Provided that no Person shall be appointed Treasurer under this Act, without giving such Security for the faithful Execution of his Office, as the said Trustees, or any Seven or more of them, shall think fit; and that no Person shall be capable of holding any Place of Profit under this Act who shall sell Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail; nor shall any Collector, Surveyor, or other Officer, under this Act, gain a Settlement in any Parish or Place by reason of his being appointed to or serving in such Office: And that all such Officers and other Persons shall, under their Hands, at such Time and Times, and in such Manner, as the said Trustees, or any Seven or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Seven or more of them, shall appoint, true and perfect Accounts in Writing, of all the Monies which shall have been by such Officer or Officers, and Person or Persons respectively, received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Seven or more of them, or to such Person or Persons as they shall appoint; and all the said Officers and Persons, so accounting as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Seven or more of them, which Oath the said Trustees, or any Seven or more of them, are hereby impowered to administer, verify their said Accounts: And if any such Officer or Person shall not make and render, or shall refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Seven or more of them, within Twenty one Days after being thereunto required by any Seven or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act; or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in his Hands, to the said Trustees, or any Seven or more of them, or as they shall direct or appoint; then, and

Trustees to allow Officers Salaries.

Treasurer to give Security.

Officers to account upon Oath.

Officers refusing to account,

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in either of the Cases aforesaid, such Trustees, or any Seven or more of them, may, and are hereby authorized and impowered to bring, or cause to be brought, any Action or Actions in the Name of such Trustees, or in the Name or Names of any Seven or more of them, against the Officer or Person so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in his Hands; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any Two or more Justices of the Peace for the County, Riding, or Place wherein such Officer or Person so neglecting or refusing shall be and reside, such Justices may and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause the Officer or Person so refusing or neglecting to be brought before him or them, and, upon his appearing, or not being to be found, to hear and determine the Matter in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the Trustees, or any Seven or more of them, by virtue of this Act, might have done; and if, upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justices are hereby impowered and required to administer without any Fee or Reward) it shall appear to such Justices, that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Person, such Justices may, and are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattles of such Officer or Person; and if no Goods or Chattles of such Officer or Person can be found sufficient to answer and satisfy the said Money, and the Charges of such Distress and Sale; then, and in either of the Cases aforesaid, such Justices shall commit every such Offender to the Common Gaol of the County of York, or House of Correction in and for the North Riding of the said County, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees, or any Seven or more of them, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees, or any Seven or more of them, are hereby impowered to make) or until he shall deliver up such Books, Papers, and Writings, as aforesaid, and give Satisfaction

Justices to enquire into the Default,

and commit the Offender,

until Payment or Composition made.

in respect thereof, to the said Trustees, or any Seven or more of them.

Trustees may appoint Collectors, tho' not at a publick Meeting.

Provided always, That as often as any Collector of the said Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Seven or more of the said Trustees, though not assembled at any Meeting pursuant to this Act, by any Writing under their Hands, to appoint another Person to collect such Tolls; and such Person shall continue to collect the same until the Trustees shall, at a Meeting to be held in pursuance of this Act, appoint a Collector of such Tolls; any thing herein contained to the contrary notwithstanding.

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Road, and such Person or Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any River or Brook, Waste or Common, of any Parish, Town, Village, or Hamlet, (except within Thirty Yards of any Mill Dam or Weir, without Consent of the Owner) wherein or near which the said Road, or any Part or Parts thereof do lie, proper and convenient for repairing and amending the same; and for want of sufficient Gravel, Furze, Heath, Sand, Stones, or other Materials there, to dig, gather, take, and carry away the same, in and out of any River or Brook, Waste or Common, of any neighbouring Parish, Town, Village, or Hamlet, without paying any thing for the same, such Surveyor or Surveyors levelling, or causing to be levelled, or sufficiently fenced off, all such Holes and Pits as shall be occasioned by the digging for, or taking away, such Materials, so that the same may not be dangerous to Passengers or Cattle; and where there are not sufficient of such Materials in any such Rivers, Brooks, Commons, or Waste Grounds, as aforesaid, it shall and may be lawful for such Surveyor or Surveyors of the said Road, or other Persons by Order of the said Trustees, or any Five or more of them, to dig and gather such Materials in, and carry the same out of, the several Grounds of any Person or Persons (not being the Site of, or Ground whereon any House or Houses stand, or a Garden, Orchard, Park, Park, or Paddock, planted Walk, or Walks, or Avenue to any House, or any Piece or Parcel of Ground set apart and used as a Plantation or Nursery for Trees) where any such Materials are or may be found, and from time to time to take and carry away the same,

If sufficient Materials cannot be had there, they may be taken from private Grounds;

without paying for the same;

levelling the Pits.

so much thereof, as the said Surveyor or Surveyors of the said Road shall adjudge necessary for repairing and amending the same, paying such Rates or Sum and Sums of Money for such Materials and for the Damage done to the Owners and Occupiers respectively, of the Grounds where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference between such Owners or Occupiers and the said Trustees, or Surveyor or Surveyors, touching such Damage as aforesaid, the Justices of the Peace at their next General Quarter Sessions to be holden in and for the said North Riding, or the major Part of them then present, on Ten Days Notice thereof to be given in Writing by the Party intending to appeal to the other Party, shall hear, settle, and determine the Matter of such Damages, and the Judgement or Order of the said Justices therein shall be final and conclusive to all Persons.

making Satisfaction to the Owners.

Justices to determine the Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by the Direction of the said Trustees, or any Five or more of them, under their Hands, from time to time, to remove and prevent all Annoyances on or in any Part of the said Road, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks or Drains, running into, along, or out of, the said Road, to the Prejudice thereof, and to open, scour, or cleanse, any Watercourse or Watercourses, Ditch or Ditches adjoining to the said Road, or any Part thereof, and make the same as deep and large as they shall think proper and necessary, and to cut down, lop, or top, any Trees, Shrubs, or Bushes, growing in the said Road, or in the Hedges or Banks adjacent thereto, and to take and carry away the same; in case the Owners or Occupiers of the Premisses where such Annoyances shall happen to be, neglect to remove the same, or to cut down, and carry away such Trees, Loppings, Boughs, Shrubs, or Bushes, or to open, scour, and cleanse the Watercourse or Watercourses, Ditch or Ditches as aforesaid, within the Space of Five Days next after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors, or of the said Trustees, or any Five or more of them; the Charges whereof to be settled by the said Trustees, or any Five or more of them, by Writ-

Surveyors to remove Annoyances, &c.

the Owners neglecting to remove the same after Notice;

ing under their Hands, shall be reimbursed by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied: And if, after the Removal of the said Annoyances, any Person shall again offend in the like Kind, every such Person so offending, and being thereof convicted upon Oath before any One or more Justice or Justices of the Peace for the said North Riding, shall, for every such Offence, forfeit the Sum of Twenty Shillings.

Penalty of a Second Offence.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor or Surveyors of the said Road, or such Person or Persons as he or they shall appoint, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways, and also Ditches and Drains in and upon the said Road, and also through any Ground lying contiguous thereto; and to make and keep in Repair any Bridges or Arches upon any Part of the said Road, and cross any Water, Ditch, or Drain therein or contiguous thereto, and also to make a Road through, over, and along, the adjoining Grounds of any narrow or ruinous Part or Parts of the said Road, such Ground respectively not being the Site of or Ground whereon any House stands, or a Garden, Orchard, planted Walk, Yard, Park, or Paddock, or Avenue to any House, or any Piece or Parcel of inclosed Ground planted or set apart and used as a Plantation or Nursery for Trees, to be made use of as a publick Highway, whilst the old Road is repairing and widening; making such reasonable Satisfaction to the Owners or Occupiers of such Ground respectively, as shall be so laid in or unto the said Road, or through which any such Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be made, or through, over, or along which such Road or Roads shall be made, for the Damage which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged by the said Trustees, or any Five or more of them; and in case any Difference shall happen between such Owners or Occupiers and the said Trustees, touching such Damages, that then it shall and may be lawful to and for the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden for the said North Riding, or the major Part of them present at such Quarter Sessions, to hear, settle, adjudge, and finally determine the same; but that no Satisfaction shall be made for doing any of the Works aforesaid, upon or through any Moor or Waste Ground.

and make a temporary Road;

making Satisfaction to the Owners of the Ground.

Justices to determine Differences.

And

And be it further enacted by the Authority aforesaid, That if any Person shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any or either of the said Turnpike Surveyors, or any other Person or Persons by them, or either of them, or by the said Trustees, or any of them, for those Purposes employed in the cutting, digging, taking, or carrying, of any Furze, Heath, Sand, Gravel, Stones, or other Materials, for the altering, widening, or repairing, the Road by this Act intended to be repaired, or in topping, lopping, or cutting, or carrying, of any Tree, Top, Lop, or Over-hangings, or digging, cleansing, or scouring, any new or other Ditch, Drain, or Watercourse as aforesaid, or doing any other Act in or for the repairing, widening, or altering, the said Road, by virtue of the Powers by this Act given, or any of them, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings. Penalty of obstructing Officers in their Duty, &c.

And be it further enacted by the Authority aforesaid, That if the said Trustees, or any Seven or more of them, shall think it necessary to widen or alter any Part or Parts of the Road by this Act intended to be repaired, or to turn or lead any Part or Parts thereof another Way, or any other Ways; then it shall and may be lawful for the said Trustees, or any Seven or more of them, from time to time, to contract with any Person or Persons for the Purchase or Exchange of any Lands or Hereditaments, lying by the Side or Sides of or near to any Part or Parts of the said Road, or that shall be proper or convenient for widening or altering any Part or Parts of the said Road, and to pay for the same Lands and Hereditaments respectively, by and out of the Tolls and other Monies that by virtue of this Act shall be raised; and all Bodies Politick and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees, for or on Behalf of Infants, Femes Covert, or Cestuique Trusts, and all other Persons whomsoever, may and shall contract and agree with the said Trustees, by this Act appointed or to be appointed, or any Seven or more of them, for the absolute Sale or Exchange of such Lands and Hereditaments, and of their respective Estates and Interests therein, and may and shall convey such Lands and Hereditaments to the same Trustees, or any Seven or more of them, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, that shall be so made as aforesaid, shall be valid and binding against and to all Persons, and to all Intents and Purposes whatsoever. Trustees may contract for the Purchase of Lands to be laid into the Roads.

And

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

And be it further enacted by the Authority aforesaid, That if any Body Politick or Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Trustee or other Person or Persons whatsoever, intitled to, or interested in, any Lands or Hereditaments, which the Trustees appointed, or to be appointed by virtue of this Act, or any Seven or more of them, shall think necessary to be purchased for the widening, or altering, any Part of the Road by this Act intended to be repaired, or any Part thereof, shall, upon Application to them, or any or either of them, for that Purpose made, refuse or neglect to treat with such Trustees for the Sale of such Lands or Hereditaments; or if, by reason of their, or any of their Absence or distant Residence from the Lands or Hereditaments intended to be purchased, he or they cannot conveniently be applied to, or treated with for that Purpose, or in treating, he or they shall not agree with the said Trustees for the Prices of such Lands or Hereditaments, then, and in either of such Cases, the said Trustees, or any Seven or more of them, may, and are hereby impowered, by a Warrant or Warrants, Precept or Precepts, under their Hands and Seals, to command the Sheriff of the said County of York, or his Deputy, to impanel, summon, and return, a Jury of Twenty four honest and disinterested Men of the said County, to be and appear before the said Trustees, at a certain Time and Place to be specified in the said Warrant or Warrants, Precept or Precepts, the said Time being at least Ten clear Days next after the Date and Delivery of the said Warrant or Warrants, Precept or Precepts respectively, to the said Sheriff or his Deputy, then and there to assess and ascertain the Prices and Value of the Lands and Hereditaments intended or necessary to be purchased; and the said Sheriff or his Deputy, is hereby required to impanel, summon, and return, the said Jury accordingly, giving to each Juryman at least Four clear Days Notice of the Time and Place of his Attendance; and the said Jurymen are hereby required to attend accordingly; and the said Trustees, or any Five or more of them, having caused Ten clear Days Notice in Writing under their Hands, to be given to the Person or Persons intitled to the said Lands or Hereditaments intended to be purchased, or to be left at their last or usual Place or Places of Abode, or at the Place or Places of Abode of the respective Tenant or Tenants in Possession of such Lands or Hereditaments, thereby setting forth the Nature, Situation and Quantities of such Lands or Hereditaments,

Owners neglecting to treat, &c.

Trustees to issue their Warrant to the Sheriff, to impanel and summon a Jury.

and

and the Time when, and Place where, the said Jury are to meet to assess and ascertain the Values thereof, they the said Trustees, or any Five or more of them, may proceed to enquire by Twelve of the said Jurors on their Oaths, of the Value of such Lands and Hereditaments, and in Default of a sufficient Number of Jurors, the Sheriff or his Deputy shall return other like Persons of the By-standers, or that may be conveniently had for the Service, and to which Jurors all Parties interested shall have their lawful Challenges; and the said Trustees, or any Five or more of them, having given the Nature of the Inquiry in Charge to the said Jury that shall be sworn, may, and are hereby impowered to send for, summon, and examine all proper Persons on their Oaths, concerning the Natures and Values of the said Lands and Hereditaments, and if needful or required, to cause the Jury sworn to view the said Lands or Hereditaments, and to take such other Measures to inform themselves, and the Jury sworn, concerning the Natures and Values of the said Lands and Hereditaments as they shall think proper; and the said Jury, being so informed, shall, by their Verdict, assess and ascertain the Values of the respective Lands and Hereditaments that shall have been given them in Charge to inquire of, and the said Trustees, or such Five or more of them as shall be present at the taking of such Inquests, shall thereupon adjudge the Sums of Money assessed by the said Juries, as the Values of the said Lands or Hereditaments, to be paid to the Person or Persons intitled to the same Lands or Hereditaments; and such Findings of the Juries and Judgements of the said Trustees, shall be finally binding and conclusive to all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate and Sole, Infants, Feme Covert, and other Persons whomsoever, any wise interested or to be interested in the said Lands and Hereditaments, or any Part thereof: And if any such Sheriff or his Deputy shall refuse or neglect duly to obey any Warrant or Precept of the said Trustees, or to do any Act or Matter of his Office, relating to the Premisses, or if any Juryman so summoned as aforesaid shall not appear, or appearing, shall refuse to be sworn, or if sworn, shall not find his Verdict concerning the Matters that shall be given him in Charge; or if any Witness being sent for or summoned to appear and give Evidence to the said Trustees and Juries, shall not appear, or if appearing, shall refuse to be sworn, and thereupon to give his Evidence concerning the Matters aforesaid, every such Sheriff, Deputy, Juryman, and

Jurors may be challenged.

Witnesses may be summoned, and examined upon Oath.

Jury to settle the Damage and Recompence.

Verdict of the Jury to be final.

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

Fine not to exceed 5 *l.*

and Witness, shall, for every such Refusal, Neglect, or Offence, forfeit the Sum of Five Pounds.

Conveyances, &c. to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all Conveyances of Lands and Hereditaments that shall be purchased by virtue of this Act, and Memorials of all the Verdicts of Juries, and Judgements of the Trustees, concerning the Value of Lands and Hereditaments that shall be ascertained by Juries, shall be entered in some Book or Books of the said Trustees, and shall be inrolled with the Clerk of the Peace of the said County; and that, after the Execution of such Conveyances, and giving such Judgements of the said Trustees, and after Payment or Tender of the Consideration Monies mentioned in such Conveyances, or of the Monies assessed and adjudged to be the Values of any Lands, the Values whereof shall be assessed or ascertained by any Jury or Juries, to the Person or Persons intitled to the same; or in case of want of Opportunity to tender, or of Refusal to accept the said Monies when tendered, then, on leaving the same with the said Clerk of the Peace, or his Deputy, for the Use or Uses of the Person or Persons intitled thereto, it shall be lawful for the said Trustees to enter upon the said Lands and Hereditaments, and the same to add or turn into a Highway, and the said Lands and Hereditaments shall from thenceforth for ever afterwards be deemed, taken, and used as a publick Highway or publick Highways, and shall be repaired and kept in Repair in the same Manner, and by the same Means and Powers, as the Road by this Act intended to be repaired is hereby directed so to be; and after any such new Road shall be compleated, the Lands constituting the former Road, unless the same leads to some Village, Town, or Place, or private Lands to which such new Road doth not lead, shall be and are hereby vested in, and may be exchanged, or sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be got for the same; and the Money arising by such Sale shall be applied in such Manner as the said Tolls are hereby directed to be applied.

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

and esteemed a publick Highway,

and kept in Repair as such.

Old Road may be sold.

Buildings, &c. not to be injured.

Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That the Powers and Authorities given to the said Trustees as aforesaid, shall not extend to the pulling down any Dwelling House or other Building, or taking in the Site of any House or other Building, or to take in any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House;

House; any thing herein contained to the contrary notwithstanding.

Provided also, That no Person shall act as a Trustee in any Case with respect to Lands or Hereditaments, to be purchased or exchanged by virtue of this Act, wherein he shall be personally interested. Proviso.

And be it further enacted, That the said Trustees, or any Five or more of them, shall make or order, or appoint to be made, so many sufficient Bridges over the Cuts, Ditches, and Drains, which are or shall be made on either Side of the Road over the said Moors as shall be necessary for the Convenience of Turf Carts, and Carriages, and other Carriages, going off and from the said Road upon the said Moors, to lead Turves, Furze, Ling, Whins, Stones, Gravel, or other Materials, found, cut or dug or graved upon the said Moors, and from the said Moors, or any Part or Parts thereof, to and upon the said Road, to the Intent that the said Cuts, Ditches, or Drains, made or to be made on either Side of the said Road, for the draining or carrying off the Water from the same, may not be filled up or in any wise stopped or obstructed by such Carts or Carriages crossing the same in other Places; and if any Owner or Owners, Driver or Drivers, of any Cart or Carriage made use of for leading or carrying Turves, Furze, Ling, Whins, Stones, Gravel, or other Things, or Materials, from or upon the Moors, through which the said Road doth lie, shall fill up, or in any wise stop or obstruct the Cuts or Drains made on either Side of the said Road, by crossing the said Cuts or Drains, or any of them, with their said Carts or Carriages loaden or unloaden, in order to go or come off, from or upon, or cross the said Road, or otherwise, or shall cross the said Cuts or Drains, or any of them, with his or their Carts or Carriages, at any other Place or Places than over such Bridge or Bridges as shall be made and appointed by, or by the Order of the said Trustees, or any Five or more of them, for the Purpose of such Carts or Carriages as aforesaid, or other Carts and Carriages going or coming off or from the said Road, to and upon the said Moors, or off or from the said Moors, to and upon the said Road, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings; Bridges may be made over Drains, &c. Penalty on obstructing, &c. the Drains.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may, and they are hereby impowered, from time to time, Tolls may be assigned for Money borrowed.

time, to borrow and take up at legal or lower Interest, any Sum or Sums of Money upon the Credit of the Tolls, by this Act made payable, and to assign over the said Tolls, or any Part or Parts thereof, by any Writing or Writings under their Hands and Seals, the Charges of assigning the same to be paid out of such Tolls, to any Person or Persons who shall lend their Monies thereon, for any Term, during the Continuance of this Act, as a Security or Securities for the Sums of Money so to be borrowed, and the Interest thereof as aforesaid, and Copies of all such Assignments shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Treasurer to the said Trustees, but no Money shall be borrowed on the Credit of the said Tolls after such first Meeting, unless Notice be for that Purpose given, by affixing the same in Writing upon all the said Turnpikes, at least Fourteen Days before the borrowing of such Money; and all and every Person and Persons to whom any such Assignment shall be made as aforesaid, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, which shall be executed in the Presence of Two or more credible Witnesses, to assign over or transfer his, her, or their Right to the Principal and Interest Money thereby secured to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer, within Three Months after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be assigned and transferred, in the said Book or Books to be kept for entering the said original Assignments, without Fee or Reward; and which said Book or Books shall and may, at all seasonable Times, be perused and inspected without any Fee or Reward; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in such Manner, assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person, who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies thereon due; which Money so borrowed shall be applied in such

14 Days Notice to be given of borrowing Money.

Assignments may be transferred.

Entries to be made of all Assignments.

Manner

7

Manner as the said Tolls are herein before directed to be applied, and not otherwise.

Trustees not subject to the Payment of Debts contracted under this Act.

Provided always, That nothing herein contained shall extend, or be construed to extend, to charge or subject the said Trustees, or Persons appointed to receive the said Money, or any Part thereof, to any Payment of the same, by reason of their or any of their signing or sealing any such Assignments, or other Securities to be made in pursuance of this Act, or any or either of them.

Persons liable to repair any Part of the Roads, to continue so.

And be it further enacted by the Authority aforesaid, That where any particular Part or Parts of the said Road, or any Bridges, Drains, and Sewers, lying in and upon the said Road hereby intended to be repaired, and which have been accustomed or ought to be repaired and maintained by any particular Person or Persons, Body Politick or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by the said County of York, or any Riding, Division, Liberty, or Township therein, or otherwise howsoever, all and every such Part or Parts of the said Road, Bridges, Drains, or Sewers, shall, from time to time, be maintained and kept in Repair, by such Person and Persons, Body Corporate or Politick, and in such Manner as the same were respectively maintained and kept in Repair, or liable to before the passing of this Act.

Justices to determine Differences.

And, for preventing Differences which may arise between the said Trustees and the Person or Persons, Body Politick or Corporate, County, Riding, Liberty, or Division, or any Township therein, touching where, how, and in what Manner such particular Part or Parts of the said Road, or the Bridges, Drains, and Sewers, lying in and upon the same, are or ought to be repaired and maintained as aforesaid; be it further enacted by the Authority aforesaid, That in case any such Difference shall arise, it shall and may be lawful for the Justices of the Peace for the said North Riding, and they are hereby required and impowered at the Petty or Special Sessions, upon Application to them made by the said Trustees, or any Five or more of them, or their Clerk or Clerks for the time being, to adjudge and determine where, how, and in what Manner, such particular Part or Parts of the said Road, Bridges, Drains, and Sewers aforesaid, shall from time to time be repaired and maintained by such Person or Persons, Bodies Politick or Corporate, County, Riding, or Division, or any Township therein, who are or shall be chargeable or liable to repair the same by reason

son of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise howsoever.

Trustees may compound for Repairs, &c.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, from time to time during the Continuance of this Act, to compound and agree with any of the said Person or Persons, Bodies Politick or Corporate, who is or are or shall be liable or chargeable for or towards the repairing of any particular Part or Parts of the said Road, Bridges (except the said Bridges liable to be repaired by the said North Riding, which shall continue to be respectively repaired as aforesaid) Drains or Sewers aforesaid, lying in and upon the same, for a certain Sum of Money by the Year or otherwise, as the said Trustees, or any Five or more of them, shall think fit, in lieu of such particular Work or Repairs to be done by such particular Person or Persons, Body Politick or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise howsoever as aforesaid.

Lands, &c. chargeable to Repairs to continue so.

Provided also, and it is hereby enacted and declared, That all Lands, Tenements, or Hereditaments, and all Rents, Profits, or Sum or Sums of Money issuing out of any Lands, Tenements, or Hereditaments, which now are or hereafter shall be liable or chargeable towards the repairing the said Road, or any Part thereof, shall remain liable and chargeable, and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby required and directed to pay such Rents and Profits from time to time to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and upon Default of Payment thereof, the same shall by Warrant under the Hands and Seals of any Two Justices of the Peace for the said North Riding, be levied by Distress and Sale of the Goods of such Person or Persons as shall neglect or refuse to make such Payment as aforesaid, together with the Costs and Charges of such Distress and Sale; and such Rents, Profits, Sum or Sums of Money, when recovered and received, shall be applied, from time to time, for and towards amending the said Road, and to no other Use or Purpose whatsoever.

Inhabitants to do Statute-work.

And be it further enacted, That all Owners and Occupiers of Land, and Inhabitants in and of the several Parishes, Hamlets, and Places, through which the Road, by this Act intended to be repaired, doth lead,

and

and that are or shall be liable to do Statute-work or Duty in the Highways, shall yearly and every Year, do Three Days of such Statute-work or Duty, in such Part or Parts of the said Road as doth or do lie in such Parishes, Hamlets, and Places respectively, and in such Places thereof, at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, by virtue of this Act appointed, or either of them, shall, for those Purposes, direct or appoint; and shall with their Teams and Servants, or otherwise, as the Case shall be, do Eight Hours Work in every Day; and the Surveyor or Surveyors of the Highways of such Parishes, Hamlets, and Places respectively, and where there shall be no Surveyor, then the Churchwardens or Overseers of the Poor, and if no Churchwardens or Overseers, then some or One of the principal Inhabitants of the said Parishes, Hamlets, and Places respectively, shall yearly, within the Space of Fifteen Days next after Notice in Writing to him or them respectively, for that Purpose respectively given by the said Trustees, or any Five or more of them, or by any or either of the said Turnpike Surveyors, under his or their respective Hands, deliver to such Trustees or Surveyors, from whom such Parish Surveyor, Churchwarden, Overseer, or Inhabitant, shall receive such Notice, or to One of them, a true List in Writing of the Names of all the Inhabitants of such Parishes, Hamlets, and Places respectively, and shall therein distinguish and set forth which of such Inhabitants keep Teams, or occupy Plough Lands, and are liable to Teams Duty, and which of them are Labourers, or liable only to do Labourers or any and what other Duty to the Highways; and if any or either of the Inhabitants of the said Parishes, Hamlets, or Places, shall refuse or neglect to do their respective Statute-work or Duty on the said Roads, at such Times and Places, and in such Manner as, according to the Powers by this Act given, he shall be directed to do, or shall not work full Eight Hours in each of the said Days, or shall be negligent of or in such Work, every such Person, for every such Neglect or Offence, shall forfeit the several and respective Sums herein after mentioned; that is to say, Every Person liable to do a Team's Duty, the Sum of Six Shillings; and every Person liable to do a Labourer's Duty only, the Sum of One Shilling; and if any or either of the said Parish Surveyors, Churchwardens, Overseers,

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

Penalty on Persons not performing Statute-work.

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

Overseers, or principal Inhabitants of the said Parishes, Hamlets, or Places respectively, having such Notice to deliver such List or Lists as aforesaid, shall refuse or neglect so to do within the Time, or in the Manner, herein before for those Purposes mentioned, every such Surveyor, Churchwarden, Overseer, and Inhabitant shall, for every such Neglect or Offence, forfeit the Sum of Forty Shillings.

Trustees may compound for Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may and are hereby impowered to compound with the several Inhabitants of the several Parishes, Hamlets, and Places, through which the Road, by this Act intended to be repaired, leads, for the Statute-work and Labour by them respectively, by virtue of this Act, to be done in the said Road, in every Year; the several Sums of Money at and for which such Work and Labour shall be so compounded, being paid down at the respective Times of making such Compositions.

Trustees may compound with the Inhabitants of *Ruswarp* and *Eskdaleside*.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby also impowered, from time to time, as they shall see convenient or think fit, to compound or agree by the Year, with any of the Inhabitants of the Township of Ruswarp in the Parish of Whitby, and with the Inhabitants of the Town of Sleights in the Constablery of Eskdaleside in the said Parish, and no other, for the passing of Cattle and Carriages, through all or any of the Turnpikes to be erected by virtue of this Act, for any Sum or Sums of Money for or in lieu of Toll, provided such Composition be paid yearly in Advance.

Persons aggrieved may appeal to the Quarter Sessions.

And be it further enacted by the Authority aforesaid, That if any Person shall think himself, or herself, aggrieved by any Act, Order, Conviction, Judgement, or Determination, of any Justice or Justices, that shall be done or made by virtue of this Act, such Person may appeal against the same to the Justices of the Peace at their next General Quarter Sessions of the Peace, to be held for the said North Riding after such Act, Order, Conviction, Judgement, or Determination, shall be done or made, upon Eight clear Days Notice thereof in Writing, if so many before the said next Sessions, being given by such Person to any Surveyor or Collector of the Tolls of the Road; and the said Justices at their said Sessions may and are hereby required to examine the Causes and Matters of such Acts, Orders, Convictions, Judgements, or Determina-

Notice of Appeal to be given.

Determinations, and to confirm or discharge the same, and to award such Costs to be paid by and to either of the Parties concerned in the said Appeals as they shall judge proper; and which said Judgements of the Justices, at their Sessions, shall be finally binding to all Parties; and the Penalties and Forfeitures contained in the said Acts, Orders, Convictions, Judgements, or Determinations, in case the same shall be confirmed, and the Charges attending the same, and the Costs awarded by the Sessions, shall, upon producing the same Acts, Orders, Convictions, Judgements, or Determinations, or a Duplicate or Duplicates thereof, and the said Orders of Sessions confirming the same, to any such Justice as aforesaid, be levied and recovered by Distress and Sale of the Goods and Chattles, and by Commitment of the Offender, by a Warrant or Warrants under the Hand and Seal of such Justices, in such Manner as the Penalties and Forfeitures by this Act imposed are herein directed to be levied and recovered.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That when any Penalties or Forfeitures by this Act imposed shall be incurred (except such as are by this Act otherwise particularly directed to be recovered) then, upon Complaint and Proof thereof made to any Justice of the Peace for the said North Riding, by or on the Oath or Oaths of One or more Witness or Witnesses, such Justice may and is hereby required to issue his Warrant or Warrants, under his Hand and Seal, for the apprehending and bringing such Person or Persons before him, or some other Justice of the Peace of the said Riding, to answer the Matter of the said Complaint or Complaints, and the Justice before whom such Person or Persons shall be so brought; or if the said Person or Persons cannot easily be met with or found; then, upon leaving a Summons from and under the Hand and Seal of such Justice, which he is hereby in such Case required to issue, at the last and usual Place of Abode of such Person or Persons, thereby setting forth the Nature of the said Complaint or Complaints, and appointing a Time and Place for the said Person or Persons to appear and answer the same before such Justice, such Summons being so left Three clear Days before the Time appointed for such Appearance; such Justice, even if the said Person or Persons being so summoned shall not appear, may, and is hereby required to enquire into the Causes and Matters of the said Complaint or Complaints, in a summary Way, and either by the Confession of the said

Person or Persons, upon the Evidence of One or more Witness or Witnesses on Oath as aforesaid, if he shall see Cause, convict the said Person or Persons of such Offence or Offences, and in the Penalties or Forfeitures by him or them respectively incurred in those Respects, and for Non-payment thereof, though the same shall not be demanded, shall issue a Warrant or Warrants, under his Hand and Seal, for levying the same Penalties or Forfeitures by Distress and Sale of the Goods and Chattles of such Offender or Offenders, rendering the Overplus, if any there shall be, after Payment of such Penalties and Forfeitures, and the Charges of the said Convictions, Levies, and Sales, to the said Offender or Offenders respectively, if demanded; and for want of such Distress and Distresses for those Purposes, shall issue a Warrant or Warrants, under his Hand and Seal, for the apprehending and taking such Offender or Offenders, and for committing him or them to the Common Goal of the County or Place where he, she, or they, shall be so apprehended, there to remain without Bail or Mainprize, until the said Penalties or Forfeitures, and Charges, or the Arrears thereof, shall be paid, or until such Offender or Offenders shall have compounded for the same with the said Trustees, and paid such Composition to them; and which said Composition the said Trustees, or any Five or more of them, are hereby impowered to make and receive, and, upon Receipt thereof, to discharge the said Offender or Offenders from the said Penalties or Forfeitures, and Charges.

Application of the Penalties.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures by this Act imposed, other than and except such or such Parts thereof as are by this Act otherwise directed to be paid, shall be paid to the said Trustees, and shall be by them applied in the Repair of such Part of the said Road, in respect whereof such Penalties or Forfeitures respectively shall be incurred, in like Manner as other the Monies to be raised by virtue of this Act are hereby directed to be applied.

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

Provided always, and be it further enacted by the Authority aforesaid, That no Act, Order, or other Proceeding that shall be done, or made, or had, by the said Trustees, or by any Justice or Justices of the Peace, or by the Sessions, by virtue of this Act, shall be quashed, vacated, or discharged, for want of Form only, or be

nor removeable by *Certiorari*.

removed or removeable by Certiorari or any other Writ

or

or Process whatsoever, into any Court of Record at Westminster.

Commencement and Continuance of the Tolls.

And be it further enacted by the Authority aforesaid, That the Tolls and Powers hereby granted and given shall take Place from and after the First Day of May, One thousand seven hundred and sixty four, and have Continuance for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Trustees may erect Milestones.

And be it further enacted, That the said Trustees, or any Five or more of them, may, and they are hereby required to cause Stones or Posts to be set up in or near the Sides of the said Road, at the Space of One Mile distant from each other, with Inscriptions thereon, denoting the Distance of any one Town or Place from any other Town or Place as to the said Trustees, or any Five or more of them, shall seem meet; and if any Person or Persons shall wilfully or maliciously break, obliterate, deface, or pull up, any of the said Stones or Posts, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings, One Moiety whereof shall be paid to the Informer, and the other Moiety (after replacing or repairing the Stone or Post so removed or damaged) shall be applied in such Manner as other Forfeitures are by this Act directed to be applied.

Penalty on defacing Milestones.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons during the Continuance of this Act, shall hawl or draw, or cause to be hawled or drawn, upon, in, or along, the Road by this Act intended to be repaired, or any Part thereof, any Tree or Trees, or Piece or Pieces of Timber, otherwise than and except upon Wheels or Carriages, every such Person or Persons, for every such Offence, shall forfeit and pay the Sum of Ten Shillings.

Proceedings to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all Orders, and Proceedings, of the Trustees, shall be entered in a Book or Books, to be kept for that Purpose, and such Orders, so entered and signed by the said Trustees, or any Five or more of them, as the Case shall require, shall be deemed, and taken to be, Original Orders; which said Book or Books, and also the said Book or Books directed to be kept for registering the said Assignments and Transfers, shall and may be produced and read in Evidence in all Cases of Appeals, Suits or Actions, touching any thing done in pursuance and by the Authority of this Act.

Books may be read in Evidence.

Provided

Writings to be without Stamps.

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

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought or prosecuted against any Person or Persons for any thing done in pursuance of this Act, every such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said County of York, and not elsewhere; and the Defendant or Defendants in such Action or Suit to be brought shall and may plead the General Issue, Not Guilty, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County, then, and in such Case or Cases, the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his or their Action or Actions, after the Defendant or Defendants shall have appeared; or if, upon a Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, upon Affidavit made, or the Certificate of the Judge or Judges before whom such Cause shall be tried, whereby it may appear that such Suit was prosecuted against such Defendant or Defendants for any Matter contained in this Act, and shall have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in any other Case by Law.

General Issue.

Treble Costs.

Publick Act.

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

FINIS.