Anno quarto

# Georgii III. Regis.

An Act for paving, repairing, and cleanſing, the Streets, Lanes, Alleys, and publick Paſſages, within the Town of *Whitby* in the County of *York*, and for preventing Incroachments and Annoyances therein, and for regulating the Carriages, Cartmen, and Porters there.

WHEREAS the Streets, Lanes, Alleys, and Publick Paſſages, in the Town of Whitby, in the North Riding of the County of York, are at preſent very ill paved, and it would tend greatly to the Safety and Convenience of the Inhabitants of the ſaid Town, and of all Perſons reſorting thereto, if the ſaid Streets, Lanes, Alleys, and Paſſages, were properly paved, cleanſed, and kept free from Encroachments and Annoyances; May it therefore pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That Nathaniel Cholmley Eſquire, Lord of the Manor of Whitby, and the Lord or Lady of the ſaid Preamble. Truſtees Names.

said Manor for the time being; Robert Bower, William Cholmley, Robert Linshill, John Yeoman, Adam Boulby, William Linshill, William Barker, John Addison, Christopher Richardson, Esquires; William Sympson, Robert Ward, John Kildill, Benjamin Chapman, Henry Clark, Robert Middleton, Thomas Holt, Miles Breckon, Edward Cayley, John Hancock, Francis Wardall, Thomas Bowlby the elder, William Ward, John Pease, William Coates, shall be Trustees for putting this Act in Execution; and the said Trustees, and their Successors, to be chosen in Manner herein after-mentioned, or any Five or more of them, shall have, by virtue of this Act, sufficient Power and Authority, from time to time, under their Hands, to order and direct any of the Publick Streets, Lanes, and Alleys, and other publick Passages, now being or hereafter to be made within the said Town, or any Part or Parts of such Streets, Lanes, and Alleys, and Passages, to be paved or repaired, when and as often as they shall see Occasion, and in such Manner as they shall think fit, and employ any Workman or Workmen, whom they, or any Five or more of them, shall approve of, from time to time, to pave or repair the said Streets, Lanes, Alleys, and Passages, and to contract with such Workman or Workmen for such Rates and Prices for his or their Skill and Labour therein, as to the said Trustees, or any Five or more of them, shall seem reasonable.

Directions for paving.

Trustees may dig Gravel, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such other Person or Persons as they, or any Five or more of them, shall, from time to time, appoint, to dig up, have, take, and use, all such Gravel, Sand, Stone, Cobbles, and other Materials, as shall be found in the said Streets, Lanes, Alleys, and Passages, or any of them, and to provide and bring in all such other Gravel, Sand, Stone, Cobbles, and other Materials for the paving or repairing the same, and employ such Artificers, Workmen, Labourers, and Carters, and such Collectors, Supervisors, Receivers, and others, in and about the paving and repairing the said Streets, Lanes, Alleys, and Passages, or any of them, and to collect and receive the Money to arise from the Rates and Assessments herein after directed to be made and levied, and to order, issue, and appoint, to be paid such Sums of Money, Wages, and Salaries, for or in respect of the Matters and Things aforesaid, and to do all and every such other Acts and Things as the said Trustees,

or

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or any Five or more of them, shall judge necessary and conducive for the accomplishing the Ends and Design aforesaid.

And that the said Trustees may be enabled to new pave and repair the said Streets, Lanes, Alleys, and other publick Passages aforesaid, as they shall from time to time see Occasion, and think fit, and to keep and continue the same in good Condition and Repair at all Times hereafter; be it further enacted by the Authority aforesaid, That from and after the First Day of May, One thousand seven hundred and sixty four, there shall at all Times thereafter be raised, levied, collected by, and paid unto the said Trustees, or to such Person or Persons as shall be by them, or any Seven or more them, present at any Meeting appointed or called as hereafter mentioned, thereunto appointed, proportional yearly Rates and Duties, to be assessed on the Proprietors and Occupiers of Houses and Tenements within the said Town of Whitby, according to their respective Estates and Interest therein, at the Discretion of the said Trustees, or any Seven or more of them, present as aforesaid. Trustees to make Rates.

Provided, That the said Rates and Assessments shall be allowed of and confirmed by Two or more Justices of the Peace for the North Riding of the said County of York, by Writing under their Hands and Seals. Proviso.

Provided, That the Rates to be raised in, or paid for, the Year One thousand seven hundred and sixty four (out of which the Charges in and about the obtaining and passing this Act are to be paid) shall not exceed One Shilling and Six Pence in the Pound of the respective yearly Rents of the Value of the said Houses or Tenements, according to the preceding Year's Land Tax, and so as the Rates to be raised and paid in or for every other succeeding Year shall not exceed Nine Pence in the Pound of the yearly Rents or Value of the said Houses or Tenements, according to the then Land Tax; all which Rates shall be paid by the respective Proprietors and Occupiers of the said Houses and Tenements for the time being, according to their respective Estates and Interests as aforesaid, to the said Trustees, or the major Part of them, or to such Person or Persons as shall be thereunto appointed as aforesaid, in the following Manner and Proportions; that is to say, The Tenants or Occupiers of such Houses and Tenements shall bear and pay One Half Part thereof, and the Landlord or Owner of such Houses or Tenements for the time being, shall bear and pay the other Half Part thereof; Rates how to be paid.

which said several Payments shall be made and paid by the said Proprietors and Occupiers respectively, by Four even and equal quarterly Payments; that is to say, On the First Day of August, the First Day of November, the First Day of February, and the First Day of May, in each Year; the First Payment thereof to commence on the First Day of August, One thousand seven hundred and sixty four.

Landlords to pay the Rates.

And it is hereby further enacted, That in case it shall happen that any of the said Houses or Tenements within the said Town of Whitby shall, at any Time from and after the said First Day of May, One thousand seven hundred and sixty four, stand and be empty, untenanted or unoccupied, then, and in every such Case, and during such Time as the same shall be untenanted or unoccupied, such Rates or Duties as shall be assessed thereon, by virtue of this Act, shall be wholly paid by the Landlords or Proprietors of such Houses or Tenements; and in case of Nonpayment thereof, such Houses and Tenements, and the Ground whereon the same stand, shall be, and the same are hereby made, a Security for, and chargeable with, all Arrears thereof, which Arrears shall and may be levied by Distress and Sale, by Warrant as hereafter-mentioned, of any Goods or Chattles which shall after be found in or upon the same Houses or Tenements.

Tenants to pay, and be allowed the Landlords Share in their Rent.

And, to the end the said Rates may more effectually be collected and received, be it further enacted, That all and every the Tenants or Occupiers of the said Houses or Tenements, shall be and are hereby required and made liable to pay the Whole of such Rate to the Collector or Collectors, to be appointed by the said Trustees as herein is directed; and in case of such Payment, such Tenant or Tenants shall be at Liberty, and are hereby impowered to deduct and retain out of his, her, or their Rent, such Proportion of such Rates as they shall respectively pay on Account of the several Landlords or Proprietors of the said Houses or Tenements; and the said several Landlords and Proprietors are hereby required to allow such Deductions and Payments, upon Receipt of the Residue of their Rents.

Manner of recovering the Rates.

And be it further enacted, That if any Owner or Owners, being Occupier or Occupiers of the said Houses or Tenements, or any of them, shall neglect or refuse to pay his, her, or their Proportion or Proportions of any of the Rates assessed and allowed, and confirmed as aforesaid, within Ten Days after Demand made thereof, the same shall and may be respectively levied on all

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and every such Occupier and Occupiers, by Distress and Sale of his, her, or their Goods or Chattles, by Warrant under the Hands and Seals of any Two Justices of the Peace for the North Riding of the County of York, the Overplus, if any be, and be demanded (after all Charges of making, keeping, and selling, such Distress shall be deducted) to be returned to the Owner or Owners of the Goods or Chattles so to be distrained.

Landlords to pay the Rates

And be it further enacted by the Authority aforesaid, That by and with the Monies to be raised and levied by the said Rates, in or for the said Year One thousand seven hundred and sixty four, the Charges and Expences in and about the obtaining this Act shall be paid and discharged in the first Place, and that the Residue of the Money to be raised by the said Rates, in or for the same Year, and the Monies to be raised and levied by the Rates aforesaid, in and for every succeeding Year, shall go and be applied by the said Trustees, or any Five or more of them, in paving, repairing, and keeping in Repair, the said Streets, Lanes, Alleys, and publick Passages aforesaid, in the said Town, as they shall think fit, and paying all Charges, Disbursements, and Expences, incident and relating thereto. Application of the Money.

Provided always, and it is hereby enacted and declared, That all and every Sum and Sums of Money raised as aforesaid, which shall remain in the Hands of the said Trustees, or any of them, or of any Person or Persons appointed by them, or any Five or more of them, to collect or receive the said Rates at the End of any One Year, and shall not be required or wanted to defray the Expences in and about the paving and repairing the said Streets, Lanes, Alleys, or Passages, or any of them, in the same Year, shall go and be applied for the paving or repairing the said Streets, Lanes, Alleys, or Passages, in the next succeeding Year, as the said Trustees, or any Five or more of them, shall think fit, and in Ease of the Rates and Assessments to be laid for the same Year. Surplus to be carried to the next Year's Account.

Tax not to pay and be allowed to Lessee to deduct the Rent

Provided always, and be it further enacted by the Authority aforesaid, That when and so often as the Pavement of any of the said Streets, Lanes, Alleys, and publick Passages, or of any Part of them, shall be taken up for the laying or amending of any Water-pipe or Water-pipes therein, or for making or repairing any Drains or Sewers under the same, or for other Purposes, such Pavements shall be new laid and made good, in such Manner as the said Trustees, or any Proprietors of Water-works, &c. to make good all Pavements taken up by them.

Five or more of them, or any Person to be by them, or any Five or more them, appointed and authorized to survey and overlook the Paving and Repairs of the Streets, Lanes, Alleys, and publick Passages within the said Town, shall direct, at the sole Costs and Charges of the Proprietor or Proprietors of the Water-works within the said Town, his, her, or their Lessee or Lessees, Farmers or Agents, or of the Person or Persons ordering and directing such Pavement so to be taken up, or taking up the same respectively, such Costs and Charges to be levied by Distress and Sale of his, her, or their respective Goods and Chattles by Warrant as aforesaid, in case the same shall not be paid within Ten Days after Demand made thereof, by the Person appointed to survey the paving and repairing the said Streets, Lanes, Alleys, and publick Passages, as aforesaid, the Overplus, if any be, and be demanded, being returned to the Owner, after the Charges of taking, keeping, and selling such Distresses, shall be deducted.

And whereas the Occupiers of Houses, Lands, and Tenements, within the said Town of Whitby, have used, and ought by Law to sweep and make clean so much of the said Streets, Lanes, Alleys, and other publick Passages aforesaid, within the said Town, as lie contiguous to and fronting the respective Houses, Lands, and Tenements, by them respectively occupied, and between the same and the Middle of the said Streets, Lanes, Alleys, and Passages, and to carry off the Soil and Dirt thereof, but of late are become very remiss and negligent in doing the same, to the great Annoyance of the Inhabitants, and all other Persons passing in or through the said Town; For Remedy thereof, 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, from time to time, to nominate and appoint such Person or Persons as they shall think fit, to be publick Scavenger or Scavengers for the said Town of Whitby, for sweeping, cleansing, and carrying away from off the Streets, Lanes, Alleys, and publick Passages, within the said Town, the Dirt, Dust, Filth, and Soil thereof, at such Times, and in such Manner, as herein after mentioned; and to contract with such Scavenger or Scavengers for the same, and for providing such a Number of Servants or Men, Carts and Carriages, as shall be deemed requisite and necessary for those Purposes; and to order and direct on what Day or Days, or Times in

Scavengers to be appointed to cleanse the Streets, &c.

in each and every Week, the particular Streets, Lanes, and publick Passages, within the same Town, shall be so swept and cleansed, and the Dust, Dirt, Filth, and Soil, carried off and from the same respectively; and to make such Rules, Orders, and Directions, to be observed and kept by such Scavenger or Scavengers from time time to time, and with and under such reasonable Penalties and Forfeitures as they shall think fit.

And, for paying the Wages of such Scavenger or Scavengers, and other Expences attending the sweeping and cleansing the said Streets, Lanes, Alleys, and publick Passages aforesaid; be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may yearly, within One Month after the First Day of May, One thousand seven hundred and sixty four, and in every succeeding Year, rate and assess, or cause to be rated and assessed, proportionably upon all and every the Occupiers of Houses and Tenements within the said Town of Whitby, such yearly Sum of Money as they shall judge necessary, not exceeding in any One Year the Sum of Two Pence in the Pound, according to such Valuation as the said Houses or Tenements are or shall be in the same Year, or last were assessed to the publick Land Tax; and such last mentioned Rates and Assessments shall be yearly allowed and confirmed by Two Justices of the Peace for the said North Riding, and shall and may be collected, levied, and recovered, by such Person or Persons as the said Trustees, or any Seven or more of them, shall direct, and by such Ways and Means as the other Rates and Assessments, for the paving and repairing the Streets, are herein before directed to be levied and recovered; and shall be from time to time paid, accounted for, and applied, for paying the Scavengers Wages, and other Expences in or about the sweeping and cleansing the said Streets, Lanes, Alleys, and publick Passages, as they the said Trustees, or any Seven or more of them, shall direct or appoint; and the Overplus arising from the Rates and Assessments last herein before directed, in any One Year, shall be applied in Ease of the Assessments of the like Nature in the next succeeding Year; and in case there shall be, in any One Year, a Deficiency of the same Assessments for the Purposes thereof, such Deficiency shall be supplied and made good out of the next Year's Assessments for the same Purposes.

Rates to be made for cleansing, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall hereafter throw, cast,

Penalty on Annoyances in the Streets.

cast, set, or lay, or cause or permit, or suffer to be thrown, cast, set, or laid, any Coal Ashes, Wood Ashes, Rubbish, Dust, Timber, Dung, Filth, Lime, Tubs, Casks, or Goods of any Kind, in any open Street, Lane, Alley, or publick Passage or Place within the said Town, before or against his, her, or their Dwelling-house or Houses, Buildings, Stables, or Walls, or the Dwelling-house or Houses, Buildings, Stables, or Walls, in his, her, or their own Occupation, and shall not take or carry away the same, or cause the same to be taken or carried away, on the same Day before it shall be dark, or shall throw, cast, or set, or lay any Coal Ashes, Wood Ashes, Rubbish, Dust, Timber, Dung, Filth, Tubs, Lime, Casks, or Goods of any Kind, before or against any House or Houses, Buildings, Stables, or Walls, of any other Person or Persons, or before or against any Chapel, Meeting-house, or other publick Building or Place, within the said Town, or shall make up any Lime in any of the publick Streets, Lanes, Alleys, or Passages thereof; every such Person offending as aforesaid, and being thereof lawfully convicted, either upon his or her own Confession, or upon the Oath of One or more credible Witness or Witnesses before any One or more Justice or Justices of the Peace for the said Riding, (which Oath the said Justice or Justices are hereby impowered to administer) or upon View of any such Justice or Justices, shall, for every such Offence, forfeit the Sum of Twenty Shillings, to be recovered, levied, and applied, as herein after is directed.

Market Place to be paved and cleansed by the Lord of the Manor.

Provided always, and be it enacted by the Authority aforesaid, That the Place or Street in the said Town of Whitby, called The New Market Place, shall be from time to time paved, repaired, swept, and cleansed by the Lord of the Manor of Whitby aforesaid for the time being, or his Lessee or Farmer of the Tolls and Profits of the Market there kept, as hath heretofore usually been done; any thing herein contained to the contrary thereof notwithstanding.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That in order to put this Act in Execution, the said Trustees, or any Five or more of them, shall meet together at the House of Grace Waynman, Widow, in the said Town of Whitby, or at such other convenient Place therein, as the said Trustees, or the major Part of them, shall appoint, on the First Monday which shall happen in the several Months of May, August, November, and February, yearly, at Ten of the Clock in the Forenoon of the same Days, and shall then adjourn themselves to such Time and Place as they shall think fit; and in

case there shall not appear at any Meeting appointed as aforesaid, or Adjournment thereof, a sufficient Number of Trustees to act at such Meeting, and to adjourn to another Day, then the said Trustees, or any Five or more of them, may meet at any other Time or Place as often as it shall be necessary for putting this Act in Execution, Ten Days Notice being left in Writing, by or by Order of any One of the said Trustees, at the House of each other of the said Trustees, of the Time and Place of such Meeting; at all which Meetings the said Trustees shall bear their own Charges and Expences. Trustees to defray their own Expences.

And be it further enacted by the Authority aforesaid, That every Person who shall be, from time to time, chosen or appointed by the said Trustees, or any Seven or more of them, to be a Collector or Receiver of the Rates and Duties hereby directed to be assessed and levied, shall, from time to time, pay all the Sums of Money which he shall collect or receive therefrom to such Person and Persons, and at such Time and Times, and to and for such Purposes, and in such Manner, as the said Trustees, or any Seven or more of them, shall, from time to time, direct and appoint; and shall fairly enter in One or more Book or Books, to be kept for that Purpose, all and every Sum and Sums of Money which he shall collect or pay by virtue of this Act, with the respective Times of his receiving and paying the same; and shall, upon Oath (if thereunto required by the said Trustees, or any Seven or more of them) before One or more Justice or Justices of the Peace for the said North Riding of the County of York (which Oath such Justice or Justices is and are hereby impowered to administer) give a full, true, and perfect Account in Writing, under his Hand, of all Monies which he shall have collected, paid, or disbursed, by reason of his said Office; for which Oath no Fee or Reward shall be taken, and the same may be taken in Writing without any Stamp thereon. Collectors to account,

And be it further enacted by the Authority aforesaid, That if any such Collector or Receiver shall neglect or refuse to account for any Sum or Sums of Money by him or them respectively collected or received, to the said Trustees, or any Seven or more of them, or to pay the same to such Person or Persons as they, or any Seven or more of them, shall, by Writing under their Hands, authorize and impower to receive the same, then it shall and may be lawful to and for any Two or more Justices of the Peace for the said North Riding to inquire of and concerning or be committed.

concerning such Neglects, Refusals, Nonpayments, and Offences; and if any Person or Persons shall be convicted by the said Justices of any such Neglect, Refusal, Nonpayment, or Offence, then the said Justices shall, upon such Conviction, commit such Person or Persons to the Common Gaol of the said 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.

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

And be it further enacted by the Authority aforesaid, That in case of the Death of any of the said Trustees, or any of their Removal out of the Parish of Whitby aforesaid, or Refusal to act, or neglecting to act by the Space of One Year, it shall and may be lawful to and for the Survivors and others of the said Trustees for the time being, or the major Part of them, who shall be present at any Meeting to be specially had for that Purpose (due Notice being given of such Meeting in Manner as aforesaid) by any Writing or Writings under their Hands, to elect, nominate and appoint, One or more fit and able Person or Persons (being an Inhabitant or Inhabitants in the said Town of Whitby) to be a Trustee or Trustees in the Place or Places of such of the said Trustees as shall die or remove, or refuse or neglect to act by the Space of One Year as aforesaid; and so, from time to time, when and as often as any other or others of the Trustees, hereby nominated or to be chosen as aforesaid, shall die, remove, or refuse or neglect to act, as aforesaid; and all and every Person and Persons, so to be elected and appointed a Trustee or Trustees, as aforesaid, shall have the same Powers and Authorities, and shall and may, and they are hereby impowered to act, to all Intents and Purposes, in as full, large, and ample Manner as the Trustees hereby particularly nominated and appointed.

Pavements not to be altered, or Incroachments made, without Consent of Trustees.

And be it further enacted by the Authority aforesaid, That no Person or Persons shall make, or cause to be made, any Alteration in the Form or Pavement of the Streets, Lanes, Alleys, and publick Places aforesaid, in the said Town, or of any Part of them, or any of them, or any Incroachment therein, without the Consent and Approbation of the said Trustees for the time being, or Five or more of them, upon Pain of forfeiting, for every such Offence, the Sum of Forty Shillings, to be levied, recovered, and disposed of, as herein after is mentioned; and if any such Alteration and Incroachment shall be made in any Part of the said Streets, Lanes, Alleys, or Passages, or any of them, without

without such Consent and Approbation as aforesaid, and shall not be allowed of by the said Trustees, or Five or more of them, by Writing under their Hands, within Twenty Days next after such Alteration or Incroachment shall be made, the Person or Persons making, or causing the same to be made, shall at his and their own Costs and Charges, within Ten Days after Notice given for that Purpose by any of the said Trustees, reform or take away the same, and put such Part of the Street, Lane, Alley, or publick Passage where the same shall have been made, in the same Form and Condition it was before the making the said Alteration or Incroachment, and in case of his, her, or their Neglect or Refusal so to do within such Time as aforesaid, then the said Trustees, or any Five or more of them, shall and may order any proper Workman or Workmen to reform the same Alteration or Incroachment, and put the said Part of the said Street, Lane, Alley, or publick Passage, in the same Form and Condition it was before, and by Warrant under the Hand and Seal, or Hands and Seals, of any Justice or Justices of the Peace for the said North Riding, levy or cause to be levied such Costs and Expences for so doing as shall be by him or them judged reasonable, by Distress and Sale of the Goods and Chattles of the Person or Persons who made or caused to be made such Alteration or Incroachment, together with the Charges of such Warrant, Distress, and Sale, rendering the Overplus (if any be) to the Owner of such Goods and Chattles, when demanded.

Reservation of Rights.

Provided always, That nothing herein contained, shall prevent or hinder the Lord of the Manor of Whitby aforesaid, or any other Person or Persons, from having or taking any legal Remedy against any Person or Persons, for any Incroachment that is or shall be made within the said Town.

Trustees may give leave for Inclosures to be made by Workmen before building.

Provided also, That it shall and may be lawful to and for the said Trustees for the time being, or any Five or more of them, by Writing under their Hands, to give such reasonable Liberty and Licence to the Proprietors and Inhabitants within the said Town, or their Builders or Workmen, to make such Inclosure before their respective Houses, in order to the pulling down, rebuilding, or repairing the same, or any Vault, Drain, or Building, belonging thereto, and for laying the necessary Materials for the same, and the Rubbish arising therefrom, as the said Trustees, or any Five or more of them, in their Discretion shall think necessary or proper

in that Behalf, and no Person or Persons acting under such Licence, and in pursuance thereof, shall, during the Time thereby to be limited, be subject or liable to any of the Pains or Penalties aforesaid.

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

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Justices of the Peace for the said North Riding, or any or either of them, to do and execute all or any of the Powers and Authorities hereby vested in or given to the Justices of the Peace for the said Riding, touching any of the Matters aforesaid, notwithstanding he or they is, or are, or shall be, a Trustee for the Purposes of this Act.

Carriages not suffered to be left in the Streets longer than necessary.

And be it further enacted by the Authority aforesaid, That no Cart, Waggon, Truck, or other Wheel Carriage, with or without Horses, or other Cattle, shall be permitted to remain in any of the publick Streets, Lanes, or Passages, in the said Town, longer than is or shall be necessary for loading or unloading the same respectively; and if any Person making or occasioning any such Annoyance or Obstructing as aforesaid, upon Notice given by any Three or more of the said Trustees for the time being, to remove the same, shall neglect or refuse so to do, within the Time limited and directed by such Notice; or if any Person or Persons shall pass in or through the said Town, with any Waggon, Cart, Truck, or other Wheel Carriage, used for the Carriage of Goods, Wares, and Merchandizes, and drawn by One or more Horse or Horses, or other Cattle, without leading the same on Foot, or shall lead or drive them in or through the said Town, faster than a Foot Pace, to the Annoyance of any of the Inhabitants or others, being in or passing along the said Streets, Lanes, Alleys, or Passages, or any of them; every Person so offending, and being thereof convicted, either upon his or her own Confession, or upon the Oath of One or more credible Witness or Witnesses, before any One or more of the Justices of the Peace for the said North Riding, (which Oath the said Justices are hereby respectively impowered to administer) or upon view of any of the said Justices, shall, for every such Offence, forfeit the Sum of Twenty Shillings, to be recovered, levied, and applied, as herein after is mentioned.

And, for the better preserving and keeping of the Pavements of the Streets, Lanes, Alleys, and publick Passages, in the said Town, in good Condition and Repair; be it further enacted by the Authority aforesaid, That from and after the said First Day of May, One

thousand seven hundred and sixty four, no Waggon, Cart, Car, Truck, or other Wheel Carriage, to be used for the Carriage of any Goods, Wares, or Merchandizes, from any One Part or Place of the said Town, to any other Part or Place within the same Town, or for the bringing of any Goods, Wares, or Merchandizes, or other Things whatsoever (except Corn in the Straw, Hay or Straw) to the said Town from any Place within One Mile and an half Distance thereof, or for carrying away any Goods, Wares, or Merchandizes, or other Thing whatsoever (except as aforesaid) from the said Town to any Place within the same Distance, shall be drawn with above the Number of Three Horses or other Cattle, nor shall the Wheels of any such Carriage be of less Breadth in the Fellies than Nine Inches, or be bound or shod with Iron, unless shod or bound in such Manner as the said Trustees for the time being, or any Five or more of them, shall, from time to time, direct or allow of; and if any Waggon, Cart, Car, Truck, or other Wheel Carriage, used as aforesaid, shall be drawn with more than Three Horses, or other Cattle as aforesaid, or shall have the Wheels of less Breadth than Nine Inches as aforesaid, or bound or shod with Iron in other Manner than as aforesaid, the Owner of such Carriage being convicted of such Offence by his or her own Confession, or by the Oath of One or more credible Witness or Witnesses, before any One or more of the Justices of the Peace for the said North Riding, shall, for the First Offence, forfeit the Sum of Twenty Shillings, and for the Second Offence, the Sum of Forty Shillings, and for the Third and every other Offence, the Sum of Three Pounds, to be recovered, levied, and applied, as herein is directed.

Carriages used in the Town, or within a certain Distance, to be drawn with only 3 Horses, and have 9 Inch Wheels.

And whereas the Streets of Whitby are in general very strait and narrow, and are greatly obstructed and made dangerous to Foot Passengers as well as inconvenient for Carriages by Steps being brought out from several Houses an unreasonable Way into the Streets, and Hatches made therein, and Steps down the same into the Cellars, Shops, Cole-holes, or other Conveniences belonging to the said Houses; be it therefore enacted by the Authority aforesaid, That all and every Owner and Occupier of any House or Houses in the said Town, to which any such Steps, Hatches, or other Incroachments upon the said Streets, or any of them, belong, shall, at their own Costs and Charges, within Ten Days after Notice in Writing shall be given to them

Penalty on Annoyances by Projection of Steps, &c.

them respectively, or left at their respective Dwelling Houses, under the Hands of any Five or more of the said Trustees, remove all such Steps, Hatches, Incroachments, or other Nusances in the said Streets, or otherwise alter and reform the same, in such Manner as in such Notice shall be expressed or directed, upon Pain that every such Owner or Occupier who shall neglect so to do, shall forfeit and pay the Sum of Five Shillings per Week for every Week after the said Ten Days that the said Steps, Hatches, Incroachments, or other Nusances aforesaid, shall not be removed or altered and reformed as aforesaid.

Trustees may purchase Messuages, &c. to widen the narrow Parts of the Streets.] And, to the End that the said Streets, Lanes, and Passages, and the Turnings from one to another may be widened and made more convenient, where it can be done; 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, and they are hereby impowered from time to time, as they shall have Opportunity, to contract and agree with any Owner or Owners of any Messuage, Cottage, Tenement, or Shop, Messuages, Cottages, Tenements, or Shops, situate in the said Streets, Lanes, Alleys, and publick Passages, or any of them, for the Purchase of any such Messuage, Cottage, Tenement, or Shop, or any Part or Parts thereof respectively, and to pay and apply so much of the Money which shall be in their Hands, arising from the Assessments from the paving and repairing the said Streets, Lanes, Alleys, and publick Passages, or which they shall raise by an extraordinary Assessment (which they are hereby impowered to make and levy upon the Owners and Occupiers of Houses and Tenements within the said Town, by the Ways and Means aforesaid, for that Purpose, not exceeding in the Whole in any One Year the Sum of Four Pence) for the Purchase thereof, and to pull down the House, Cottage, Tenement, or Shop, or Part thereof respectively, so to be purchased, and lay the same into the Street, Lane, Alley, or publick Passage wherein the same was situate: Provided, That the said Trustees shall not give more than Twenty five Years Purchase for the Purchase of any such Messuage, Cottage, Tenement, or Shop, or Part thereof, to be made as aforesaid, according to the real and true yearly Rent or Value thereof.

Penalty on erecting Stalls, &c. in the Streets for the Sale of Goods, And be it further enacted, That no Person or Persons shall erect or set out, in any of the said Streets, Lanes, Alleys, and publick Places aforesaid, any Tables or Stalls of any Kind whatsoever for the Sale, or exposing

to

to Sale, of any Goods, Wares, or Merchandizes whatsoever, save on Market Days, and at the Time of publick Fairs in such Places (other than the Market Place) as the said Trustees, or any Five or more of them, shall by Writing under their Hands, or the Lord of the Manor for the time being, by Writing under his Hand, shall allow of, on Pain that every Person who shall offend herein shall, for every such Offence (being thereof lawfully convicted in Manner as aforesaid) forfeit the Sum of Five Shillings. except, &c.

Trustees to regulate the Wages of Porters, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, and they are hereby authorized and impowered from time to time, as they shall find it necessary, just, and reasonable, by Writing under their Hands, to be made publick by fixing up fair Copies thereof on the Market Cross, and on the Bridge in the said Town of Whitby, to regulate, settle, and ascertain the Rates and Wages of Porters and Labourers usually employed in carrying Coals and other Goods and Merchandizes from the Ships and Keels, and other Vessels, in the Haven of Whitby aforesaid, to the Houses, Shops, or Warehouses of the Inhabitants in the said Town of Whitby, and from one Part of the said Town to another, for Hire; and that all Persons who are or shall be usually employed as Porters or Labourers, and make it their Business to carry Goods, Wares, and Merchandizes in the said Haven and Town in Manner as aforesaid, for Hire, shall be obliged to accept and take such Rates, Wages, and Prices for carrying of Goods, Wares, and Merchandizes from the said Haven into the said Town, and from one Part thereof to another, or from the said Town into the said Ships, Keels, and other Vessels aforesaid, being in the said Haven, as the said Trustees, or any Nine or more of them, shall from time to time, by such Writing as aforesaid, fix, settle, and ascertain; and if any such Person or Persons so usually employed, or exercising the Business of a Porter as aforesaid, shall at any Time or Times refuse to carry Coals or other Goods, Wares, and Merchandizes as aforesaid, at the Rates and Prices so to be set by the said Trustees, or any Nine or more of them, as aforesaid, or any of them, or refuse to work in Manner as aforesaid, after a Tender made to him of such Money as shall be conformable to such Rates and Prices, every such Person so offending shall, for every such Offence (being thereof lawfully convicted as aforesaid) forfeit the Sum of Ten Shillings.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all pecuniary Penalties and Forfeitures by this Act imposed, and to be incurred, for the Recovery whereof no other Provision is by this Act made, shall be levied and recovered by Distress and Sale of the Offenders Goods and Chattles, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the said North Riding, which Warrant or Warrants the said Justices are hereby respectively impowered and required to issue, upon Conviction of the Offender as aforesaid, and the Overplus, if any be, shall, when demanded, be returned to the Party whose Goods or Chattles shall be so distrained, the Charges of such Distress and Sale, and Warrant for the same, being first deducted; and in case no sufficient Distress of the Goods or Chattles of any such Offender shall be found at the issuing of any such Warrant or Warrants of Distress as aforesaid, then, and in such Case, it shall be lawful for the Justice or Justices of the Peace, before whom such Offender or Offenders shall be convicted as aforesaid, to commit him, her, or them, to the House of Correction for the said Riding, there to be kept to hard Labour for any Time not exceeding Three Months, or until such pecuniary Penalty or Forfeiture shall be paid.

Application of the Forfeitures.

And it is hereby further enacted, That all the pecuniary Penalties and Forfeitures to be recovered or levied by Virtue of this Act, and not herein otherwise particularly disposed of, shall be paid and applied in Manner following; that is to say, One Moiety thereof to the Person or Persons who shall inform and prosecute for the same, and the other Moiety thereof shall be paid to the said Trustees, or some or One of them, to be applied towards the paving or repairing the said Streets, Lanes, and Passages, or some of them, and in Ease of the Assessments for that Purpose.

Justices may mitigate Penalties.

Provided always, That it shall be lawful for the Justice or Justices of the Peace, by or before whom any Person or Persons shall be convicted of any of the Offences aforesaid, for which any pecuniary Penalty or Forfeiture is hereby imposed, from time to time, where he or they shall see Occasion, to mitigate, compound, or lessen such Penalty or Forfeiture, as he or they in his or their Discretion shall think fit, so as such Mitigation or Composition shall not extend to remit above One Moiety of the Penalty or Forfeiture inflicted, and directed to be levied by this Act; and every such Mitigation or Composition shall be a sufficient Discharge to the

Persons offending respectively, for so much of the said Penalty or Forfeiture as shall be so mitigated, lessened, or remitted, and the Informer's Share thereof shall be abated in Proportion.

Provided always, and be it further enacted, That if any Person shall think him or herself aggrieved, by any thing done in pursuance of this Act, such Person shall and may appeal to the Justices at their General Quarter Sessions of the Peace, to be held for the said North Riding, next after the Cause of such Complaint, unless the same happen within Fourteen Days after, and if so, at their General Quarter Sessions then next following, who are hereby impowered to summon and examine Witnesses upon Oath, and finally to hear and determine such Complaint or Appeal, and make such Order or Orders touching the Matters complained of, and such Costs as they shall think proper to give (if they give any) to the Party or Parties in whose Favour such Appeal shall be determined, as the said Justices in their said Quarter Sessions shall think fit, and their Determination shall be final and conclusive to all Parties; but the Party appealing shall give Notice in Writing of his or her Intention to appeal, to the Person or Persons concerned therein, Fourteen Days before the said Quarter Sessions to which the Appeal shall be made as aforesaid, otherwise they shall not proceed thereupon; and if any Person or Persons shall give Notice of such Appeal, and shall not prosecute the same, or countermand such Notice Six Days before the holding of the Sessions mentioned therein, then the Justices at the same Sessions shall and may, on Proof of such Notice being served, award such Costs to the Person or Persons to whom such Notice shall be given, and such Warrant or Order for levying same, as they shall think reasonable.

Persons aggrieved may appeal to the Quarter Sessions.

Notice of Appeal to be given.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Matter or Thing done or to be done in pursuance of this Act, or in relation to the Premisses, then, and in every such Case, the 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 County of York, and not elsewhere; and the Defendant or Defendants in such Action or Suit, shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in Pursuance, and by the Authority, of this Act: And

Limitation of Actions.

General Issue.

And if the same shall appear so to have been done, or if such Action or Suit shall be brought after the Time herein before limited for bringing the same, or shall be brought or laid in any other County or Place, then the Jury shall find for the Defendant or Defendants; and upon such, or upon any other, Verdict to be found for the Defendant or Defendants in any such Action, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall recover Treble Costs of Suit, and have the like Remedy for Recovery thereof, as any Defendant or Defendants hath or have in any other Cases by Law.

Treble Costs.

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a Publick Act; and all Judges and Justices are hereby required to take Notice of the same as such.

FINIS.