



ANNO QUADRAGESIMO TERTIO

GEORGI III. REGIS.

Cap. 2.

An Act for repairing, improving, and maintaining
the Road leading from *Thirsk* to *Yarm*, in the
County of *York*. [17th December 1802.]

WHEREAS the Road leading from the Town of *Thirsk* to the
Town of *Yarm*, in the North Riding of the County of *York*,
through the several Parishes, Chapelries, or Districts of *Thirsk*
aforesaid, and of *South Kilvington*, *Thornton-le-Street*, *Leake*, *Sigstone*,
Osmotherley, *Arncliffe*, *Harlfey*, *Whorlton*, *East Rounton*, *Rudby*, *Crathorne*,
Kirk Leawington, *High Worsall*, and *Yarm* aforesaid, or some of them,
is very circuitous and hilly, and in many Places narrow and incom-
modious; and the said Road cannot be effectually shortened, levelled,
widened, amended, and kept in good Repair by Means of the Laws now
in being for the Amendment and Preservation of the publick Highways;
but if the said Road were properly altered, levelled, widened, amended,
and repaired, it would be of much Utility and Advantage to the Publick,
and would greatly facilitate and improve the Communication between
several Parts of the North Riding of *Yorkshire*, and the several Sea Ports
and Market Towns of *Stockton*, *Hartlepool*, *Sunderland*, *North and South*
Shields, and *Newcastle-upon-Tyne*, and other Parts of the Counties of
Durham and *Northumberland*: 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 *John Arden*, *Christopher Anstey* Clerk,
John Allison, *William Addison* Clerk, *Daniel Addison* Clerk, *Watson*
Alcock, *William Appleton*, *Benjamin Atkinson*, *John Addie* M. D.

[Loc. & Per.]

G

Rowland

Trustees ap-
pointed.

Rowland Burdon, George Brown, George Brown the younger, John Bell, Robert Bell, Charles Baillie Clerk, Robert Brigham, William Braithwaite, Joseph Bulmer, Timothy Bulmer the younger, Quintin Blackburn, John Brewster Clerk, Edward Brown, John Barker, Nathan Brunten, George Barington Clerk, Warcop Confett, Robert Chaloner, Robert Crowe, James Crowe, Matthew Crowe, Thomas Crathorne, James Coates, Robert Christopher, George Cooke, Thomas Cooke, John Carr, Alderson Hartley Colling, Robert Colling, Robert Clarke, George Coates, Lawrence Dundas, G. Heneage Dundas, Matthew Dodsworth, William Dent, William Danby, Richard Dickson, Joseph Dresser, Thomas Davison, Christopher Dobson, Joseph Dixon, Sir John Eden Baronet, Robert Eden, William Eden, John William Egerton, Benjamin Evans Clerk, William Elstob, George Elstob, Sir Thomas Frankland Baronet, William Frankland, Roger Frankland, David Burton Fowler, Thomas Fawell, John Fox Clerk, Thomas Hartland Fowle Clerk, Richardson Ferrand, Benjamin Flounders, John Goodchild the younger, Chipchase Grey, Thomas Robinson Grey, Ralph Grenside Clerk, Thomas Greeve Clotworthy Gowan, John Grey, Sir Robert D. Arcy Hilaryard Baronet, George Hutchinson, Henry Hutchinson, George Hutchinson the younger, John Hutchinson, William Hoar, John Hogg, Thomas Hustler, George Hubback, George Hutton, Thomas Ellerby Hixon, John Hixon, John Harrison, William Hall Clerk, Francis Henson Clerk, Jonathan Holmes Clerk, Joseph Hickson, Robert Hutton, Henry Fearon Heath, Sir Cuthbert Heron Knight, William Ward Jackson, Michael Jackson, James Jackson, Sir Alexander Ramsay Irvine Baronet, Stephenson Ingram, John Jackson, Thomas Kilvington M. D. Sir William Lorraine Baronet, Sir John Lawson Baronet, Ralph John Lambton, James Lee, William Lee, Richard Lefe, Robert Lindsay, Benjamin Lumley Clerk, William Linskill, Robert Laing, Henry Leighton, Sir Ralph Milbank Baronet, George Maclellan Clerk, William Marwood, John Masterman, Edward Meynell, Thomas Meynell, George Merryweather, William Masterman, Cuthbert Marshall, George Markham Clerk, Henry Mills the younger, Clerk, Richard Richardson Mowbray, John Mowbray, John Douthwaite Nesham, Thomas Nicholson, Ralph Ord, William Ord, James Ord, Sir James Pennyman Baronet, — Pennyman, Benjamin Pye LL. D. Richard William Christopher Peirse, Henry Peirse, John Preston, Robert Preston, James Procter, Charles Plumtre Clerk, Sir Matthew White Ridley Baronet, William Russell, Matthew Russell, Ralph Robinson, Thomas Robertson, George Ridley, Thomas Robson, John Russell Rowntree, Leonard Raisbeck, Henry Richardson, Bartholomew Rudd, Bartholomew Rudd the younger, John Raper, Sir George Russell Baronet, William Richardson, George Sutton, William Sleigh, George Sayer Clerk, Henry Stapylton, Richard Stonehouse, Marshall Stonehouse, Jonathan Steel Clerk, Medd Scarth, Michael Scarth, Francis Smyth, Christopher Smith, George Snowdon, Matthew Smith, Samuel Smith, Gordon Skelly, Sir Charles Turner Baronet, Sir Henry Vane Tempest Baronet, Sir Gregory Page Turner Baronet, Simon Temple the younger, John Thompson, Thomas Tinley, John Taylor, Joshua Tunstall, Robert Tayleron, Thomas Thrush, Sir Hedworth Williamson Baronet, Robert Wilson, Thomas Wilkinson, Richard Wharton, Rowland Webster, Rowland Webster the younger, John Wailes, Robert Wilkinson, Thomas Wayne, James Walker, William Walker, John Wrightson, John Wafs, William Wilson, John Waldy, Matthew Wadefon, John Walker, John Walker the younger, George Wakefield, Stephen Wright, John Wright, John Wharton, William Leigh Williamson Clerk, Richard Walker,

Walker, Christopher Wray, William Wilson, William Wrightson, and Christopher White, shall be, and they are hereby appointed Trustees for making, altering, levelling, widening, repairing, diverting, improving, and keeping in Repair a Carriage Road from the Market Cross of the Town of *Thirsk* aforesaid, through, by, or near to the several Villages, Hamlets, or Places called *South Kilvington, North Kilvington, Knayton, Leake, Ingleby, Arncliffe, Trenholm, Crathorne, and Kirk Leavington*, in the several Parishes, Chapelries, or Districts aforesaid, or some of them, to the Bridge across the River *Tees*, at *Yarm* aforesaid, and for putting this Act in Execution.

Road described.

II. And be it further enacted, That as often as any of the Trustees hereby appointed and to be elected and appointed as herein-after mentioned shall die, or refuse to act in the Execution of this Act, it shall be lawful for the surviving or continuing Trustees from Time to Time, at any Meeting to be holden in pursuance of this Act, by any Writing under their respective Hands, to elect and appoint some fit Person to be a Trustee in the room of every Trustee so dying or refusing to act (Ten Days previous Notice in Writing, of the Time and Place of Meeting of the said Trustees for every such Election being given by the Clerk or Treasurer of the said Road for the Time being, by affixing such Notice upon all the Turnpikes then erected across the said Road); and every Person who shall be elected and appointed a Trustee in Manner aforesaid, shall and may act with the surviving and continuing Trustees in the Execution of this Act, in the same Manner as if he had been originally appointed a Trustee in and by this Act.

Power to appoint new Trustees.

III. And be it further enacted, That all Acts and Proceedings relative to the Execution of this Act may be done and executed by any Three or more of the Trustees hereby appointed, and to be elected and appointed as aforesaid, except only in the Cases herein-after particularly mentioned as requiring a greater or less Number of them.

All Acts may be done by Trustees, unless otherwise directed.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act during the Time he shall hold any Place of Profit under the same, nor unless he shall be seised or entitled for some Estate for Life, or for an Estate of Inheritance in Possession of, or to Messuages, Lands, Tenements, Tythes, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent to some Person or Persons who shall be seised or entitled for some Estate for Life, or for an Estate of Inheritance in Possession of, or to Messuages, Lands, Tenements, Tythes, or Hereditaments, of the clear yearly Value of Three hundred Pounds above Reprizes, or shall be possessed of a Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of Three thousand Pounds over and above what will be sufficient to pay all his just Debts; and if any Person not being so qualified shall presume to act as a Trustee in the Execution of this Act, every Person so offending shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that

Qualification of Trustees.

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he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act.

The Acts of unqualified Trustees, previous to Conviction, declared valid.

V. Provided always, That all Acts and Proceedings of any Person as a Trustee in the Execution of this Act, previously to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been duly qualified according to the Directions of this Act.

Trustees to be sworn.

VI. Provided also, That every Trustee, before he shall act as such (except in administering the following Oath), shall take an Oath before One or more of the said Trustees (who is and are hereby empowered to administer the same), in the Form following; (that is to say),

The Oath.

‘ I A. B. do swear, That I am truly and *bonâ fide* seised or entitled for
 ‘ some Estate for Life, or of Inheritance in Possession of or to
 ‘ Messuages, Lands, Tenements, Tythes, or Hereditaments, of the clear
 ‘ yearly Value of One hundred Pounds above Reprizes: [*And, in the*
 ‘ *Case of an Heir Apparent*] I A. B. do swear, That I am Heir Apparent
 ‘ to C. D. who, to the best of my Knowledge, Information, and Belief,
 ‘ is truly and *bonâ fide* seised or entitled for some Estate for Life, or of
 ‘ Inheritance in Possession of or to Messuages, Lands, Tenements, Tythes,
 ‘ or Hereditaments, of the clear yearly Value of Three hundred Pounds
 ‘ above Reprizes: [*And, in the Case of Personal Estate alone, or of Real and*
 ‘ *Personal Estate together*] I A. B. do swear, That I am truly and *bonâ*
 ‘ *fide* possessed of a Personal Estate [*or, of Real and Personal Estate toge-*
 ‘ *ther*] of the Amount or Value of Three thousand Pounds above what
 ‘ will be sufficient to pay all my just Debts; and that I will faithfully and
 ‘ impartially, according to the best of my Judgement, act in the Execu-
 ‘ tion and Performance of the several Trusts, Powers, and Authorities
 ‘ reposed in me as a Trustee, by virtue of an Act passed in the Forty-
 ‘ third Year of the Reign of His Majesty King *George* the Third, intituled,
 ‘ [*Here set forth the Title of the Act.*]

‘ So help me GOD.’

Meetings of the Trustees.

VII. And be it further enacted, That the said Trustees shall meet at the House of *Francis Staples*. known by the Sign of *The George*, in *Yarm* aforesaid, or at some other convenient House in the same Town, on the Day of the Commencement of this Act, or as soon after as conveniently may be, and shall then proceed to carry this Act into Execution; and that the said Trustees shall then and from Time to Time afterwards, meet at the same House or at such other House in the same Town, or at such other Place within the Distance of Five Miles from some Part of the said Road, and at such Times as the said Trustees shall from Time to Time order and direct (provided that no Adjournment shall be made for a longer Time than Six Calendar Months); and if at any Meeting appointed to be holden by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day; or in case the Trustees at any Meeting assembled shall not adjourn themselves, then and in every such Case every such Meeting or intended Meeting shall be and is hereby adjourned to the Twenty-eighth Day next after the Day on which such Meeting was held, or such Meeting was appointed to be held, and at the same Place, and so from Twenty-eight Days to
 Twenty-

How Meetings shall be adjourned.

Twenty-eight Days, until a sufficient Number of Trustees do or shall meet and adjourn; and publick Notice of every such Adjournment shall be affixed upon all the Turnpikes then erected across the said Road Ten Days at least before the Day of Meeting.

VIII. Provided always, and be it further enacted, That if, after any Adjournment of the said Trustees made either by themselves or by virtue of this Act, it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment or by virtue of this Act, in that Case the Clerk or Treasurer of the said Road, upon an Order in Writing signed by Three or more of the said Trustees, (mentioning the Time, Place, and Purpose of such Meeting,) shall forthwith give Notice thereof, and of the Time, Place, and Purpose mentioned in such Order, in the Manner last herein-before directed (the Time of Meeting not being within Ten Days after such Notice); and such earlier Meeting shall and may be held accordingly, and the said Trustees shall at all their Meetings defray their own Expences.

Meetings on Emergencies.

Trustees to pay their own Expences.

IX. And be it further enacted, That it shall be lawful for the said Trustees, or the Majority of them present at any Meeting which shall be held in pursuance of this Act, from Time to Time, to make all Contracts, Agreements, Orders, Directions, Appointments, and Determinations in the Execution of this Act, all which shall be signed by the Trustees making the same; and no such Contract, Agreement, Order, Direction, Appointment, or Determination shall be valid, unless so made and signed at such Meeting, and the Number of Trustees by this Act authorized to make the same shall be present, and the Majority of the Trustees present shall concur therein; and no such Contract, Agreement, Order, Direction, Appointment, or Determination so signed, shall be revoked or altered at any subsequent Meeting, unless Twelve or more Trustees shall be present, and Eight of them at least shall concur therein.

How Orders of the Trustees are to be made and revoked.

X. And be it further enacted, That the said Trustees, or such other Person or Persons as they shall appoint, shall and may erect, or otherwise provide such and so many Toll Gates or Turnpikes in, upon, or across such Parts and in such Places of the said Road, and also such and so many Toll Gates or Turnpikes on the Sides of the said Road, and in, upon, or across any Lane or Bye-way that doth or shall lead into or out of the same, as the said Trustees shall think proper (subject nevertheless to the Restrictions and Directions herein-after mentioned concerning the same); and also shall and may erect or otherwise provide a Toll House to every or any of the said Toll Gates or Turnpikes, with suitable Buildings and other Conveniencies thereto, and inclose from the Sides of the said Road convenient Gardens for the same.

Power to erect Toll Gates,

XI. And be it further enacted, That the several Tolls herein-after particularly mentioned, shall be demanded and taken at each of the Toll Gates or Turnpikes which shall be erected in pursuance of this Act (except as herein-after is expressly directed or provided to the contrary), before any Horse, Cattle, or Beast upon which any Toll is by this Act imposed, shall be permitted to pass through the same; (that is to say),

And to take Tolls.

[Loc. & Per.]

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For

For every Horse or other Beast drawing in any Coach, Chariot, Chaise, Curricule, Chair, Landau, Berlin, Calash, Hearse, or other such Carriage, the Sum of Three-pence :

For every Horse, Ox, or other Beast, drawing in any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of all the Wheels thereof of the Breadth or Gauge of Six Inches, or more, and so flat or level as not to deviate more than Half an Inch from a flat Surface, and having the interior Diameter of each Wheel not deviating more from the exterior Diameter thereof than One-Sixth Part of the Breadth of the Sole or Bottom of the Felly, the Sum of Three-pence :

For every Horse, Ox, or other Beast, drawing in any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of any of the Wheels thereof of a less Breadth or Gauge than Six Inches, or deviating more than Half an Inch from a flat Surface, or having the interior Diameter of any Wheel deviating more from the exterior Diameter thereof than One-Sixth Part of the Breadth of the Sole or Bottom of the Felly, between the Thirty-first Day of *March* and the First Day of *October* in every Year, the Sum of Four-pence, and between the Thirtieth Day of *September* and the First Day of *April* in every Year, the Sum of Eight-pence; provided that no more than the Sum of Four-pence shall be demanded or taken, during any Part of the Year, at each of the Toll Gates or Turnpikes aforesaid, for any Horse, Ox, or other Beast, drawing in any Waggon, Wain, Cart, or other such Carriage as last aforesaid, when the same shall be unladen; and shall not on the same Day return through the same Toll Gate or Turnpike, drawing in any laden Waggon, Wain, Cart, or other such Carriage as last aforesaid; and that no more than the Sum of Four-pence shall be demanded or taken during any Part of the Year at each of the Toll Gates or Turnpikes aforesaid for any Horse, Ox, or other Beast, drawing in any Waggon, Wain, Cart, or other such Carriage as last aforesaid, when the same shall be laden with Fish only :

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny :

For every Bull, Cow, Ox, Steer, Heifer, Calf, or other such Beast, the Sum of One Halfpenny :

For every Hog, Pig, Goat, Sheep, or Lamb, the Sum of One Farthing.

Which said respective Sums shall be demanded and taken in the Name of and as Toll, by such Person or Persons as the said Trustees shall from Time to Time authorize and appoint to receive the same; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made by any Person or Persons authorized to receive the same, neglect or refuse to make Payment thereof, or of any Part or Parts thereof, it shall be lawful for the Person or Persons so authorized, to seize and distrain any Horse, Cattle, or Beast, upon which any Toll is by this Act imposed, or any Carriage in which the same shall be drawing, or the Loading, Harness, or Accoutrements of any such Horse, Cattle, or Beast, or any of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Distress, and of keeping the same, shall not be paid within the Space of Four Days next after the Day of making such Distress, the Person or Persons so distraining shall and may, at any Time or Times thereafter, sell the Horse, Cattle, Beast, Carriage, Goods, and

Power to recover the Tolls.

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and Chattels so distrained, and out of the Money which shall arise by such Sale pay or retain such Tolls, and all reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale; and what shall remain unsold (if any) upon Demand to the Owner or Owners thereof.

XII. And be it further enacted, That if any Disputes shall happen concerning any Tolls due, or the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Person or Persons so distraining to retain such Distress, or the Money arising from the Sale thereof, till the Quantity of the Tolls and the Charges of such Distress shall be ascertained by some Justice of the Peace for the North Riding of the County of *York*, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or of a Witness or Witnesses, and shall determine the Toll due, and assess the Charges of such Distress, and of the Collector's Attendance upon the said Justice for that Purpose; all which Sums so determined and assessed shall be paid to the said Collector before he or she shall be obliged to return the Goods so distrained, or the said Overplus, or any Part thereof respectively.

For settling Disputes concerning Tolls.

XIII. And be it further enacted, That in case any Dispute, Suit, or Litigation, shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting under the Authority of the said Trustees, shall be competent to give Evidence therein.

Collectors declared competent Witnesses.

XIV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, when and as often as they shall think proper, to lessen, vary, or alter all or any of the Tolls hereby granted or made payable at all or any of the Toll Gates or Turnpikes to be erected by virtue of this Act, and to cause the same to be collected in such Manner, Parts, and Proportions, as they shall think fit; and to raise, vary, or alter the same again, so as they do not at any Time exceed the Tolls by this Act made payable, and so as every Reduction thereof be made with the Consent of the Person or Persons for the Time being entitled to Four-fifth Parts of the Money then due on Security of the said Tolls; but no such Alteration shall be made unless Twenty-one Days previous Notice thereof in Writing shall be affixed upon all the Turnpikes then erected across the said Road, and also inserted in One or more of the *York* Newspapers, and One or more of the *Newcastle* Newspapers:

Tolls may be raised.

XV. And be it further enacted, That no Person or Persons shall be liable to pay Toll more than Once at any One Toll Gate or Turnpike to be erected by virtue of this Act, for passing and 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 Horses, Cattle, Beasts, and Carriages, through the same Toll Gate or Turnpike, (except as herein is excepted); but that all and every Person and Persons having paid Toll Once as aforesaid, and producing a Ticket denoting the Payment of such Toll, (which Ticket the Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll), shall

Tolls to be paid but Once a Day.

shall afterwards pass and repass with the same Horses, Cattle, Beasts, and Carriages, Toll-free, during the same Day, through the same Toll Gate or Turnpike where such Toll was paid, except Horses, Oxen, or other Beasts, drawing in Carriages laden with Copper, Iron, Lead, Coals, Cinders, Lime, Stones, Timber, or Trees, which shall not pass through any Toll Gate or Turnpike oftener than Twice in the same Day, without paying the Toll by this Act imposed, for the Third and every other Time which they shall on the same Day pass through any such Toll Gate or Turnpike.

Number of
Tolls limited.

XVI. Provided always, That not more than One Toll shall be demanded or taken from any Person or Persons for passing and repassing the same Day with the same Horses, Cattle, Beasts, and Carriages, through all the Toll Gates or Turnpikes to be erected by virtue of this Act upon that Part of the said Road which shall lead or extend from the Town of *Thirsk* aforesaid to the Village of *Ingleby Arncliffe* aforesaid; and that no more than One Toll shall be demanded or taken from any Person or Persons passing and repassing the same Day with the same Horses, Cattle, Beasts, and Carriages, through all the Toll Gates or Turnpikes to be erected by virtue of this Act upon that Part of the said Road which shall lead or extend from the Village of *Ingleby Arncliffe* aforesaid to the Bridge across the River *Tees*, at *Yarm* aforesaid; but that every Person having Once paid the Toll by this Act imposed, and producing a Ticket or Tickets denoting the Payment thereof, (which Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of such Tolls), shall pass and repass with the same Horses, Cattle, Beasts, and Carriages, Toll-free, during such Day, through all the other Toll Gates or Turnpikes to be erected in and upon such several Parts or Divisions of the said Road as last aforesaid, (save and except Horses, Cattle, or Beasts, drawing in Carriages laden with Copper, Iron, Lead, Coals, Cinders, Lime Stones, or Timber, which shall not pass through the Toll Gates or Turnpikes to be erected upon the same several Parts or Divisions of the said Roads oftener than Twice in the same Day, without again paying the Toll by this Act imposed as herein-before mentioned).

Exemptions
from Toll.

XVII. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Ox, or other Beast, drawing in any Carriage employed in carrying or conveying Stones, Bricks, Lime, Timber, Trees, Wood, Gravel, or other Materials, for making or repairing the said Road, or any Bridge thereon, or any of the Highways, in the several Parishes, Townships, or Districts, through which the said Road shall pass, or Hay, Corn in the Straw, or other Produce of Lands, lying within the respective Parishes, Townships, or Districts aforesaid, to be laid up, used, or consumed in the Houses, Outhouses, Barns, or Yards of or belonging to the respective Inhabitants of the same several Parishes, Townships, or Districts, or Lime or other Manure to be used for the Improvement of Lands lying within any of the same Parishes, Townships, or Districts, and belonging to any Person or Persons who shall regularly perform his, her, or their Statute Duty, upon the said Road hereby directed to be repaired, nor when returning unladen, after carrying or conveying any such Materials; nor shall any of the Tolls hereby granted,

granted, be demanded or taken for any Horse, Ox, or other Beast, drawing or not drawing, and employed in carrying or conveying any Ploughs, Harrows, or other Implements of Husbandry only, belonging to the respective Inhabitants of the same Parishes, Townships, or Districts, who shall regularly perform their Statute Duty upon the said Road; nor for any Horses, Mares, Geldings, or Cattle, when going to or returning from being shod or farried, or from Work in cultivating the Lands or Grounds within the same Parishes, Townships, or Districts, or going to or returning from Pasture or Watering Places, provided that such last mentioned Exemption shall only extend to such Cattle as shall be driven to and from Water or Pasture from One Parish to the next adjoining Parish, or to such Cattle as shall not pass upon the same Road more than Two Miles in going to or returning from Water or Pasture; nor shall any of the Tolls hereby granted be demanded or taken for any Horse, Ox, or other Beast, which shall only cross such Road and shall not pass above One hundred Yards thereon; or when carrying or conveying any Person or Persons residing in the same Parishes, Townships, or Districts, who shall pass on *Sundays*, or on any other Days on which Divine Worship is or shall be ordered by Authority to be celebrated, through any of the said Turnpikes, to or from Church, Chapel, or any other Place of religious Worship tolerated by Law; or when going to or returning from the Funeral of any Person or Persons who shall die and be buried in any of the same Parishes, Townships, or Districts; nor for any Horses or Carriages which shall be employed in conveying any Mail or Packet made up under the Authority or Direction of His Majesty's Postmaster General, or his Deputies; nor for any Horses belonging to Officers or Soldiers upon their March, or upon Duty; nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or carrying any wounded, sick, or disabled Officers or Soldiers, or returning empty after having been so employed, provided such Horses, Cattle, or Carriages, shall return within the same Day; nor for any Horses, Carts, or Carriages employed only in carrying or conveying Vagrants sent by legal Passes; nor for any Horse, Mare, Gelding, or Mule, drawing or not drawing, carrying or conveying any Elector or Electors to or from an Election of a Knight or Knights of the Shire to serve in Parliament for the County of *York*; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, or of any other of the Exemptions from Toll herein contained, not being entitled to the same, every Person so offending, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

XVIII. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, or Beast, upon which any Toll is by this Act imposed, pass through any Land or Ground within the Distance of One Mile from any Toll Gate or Turnpike, which shall be erected by virtue of this Act, the same not being a publick Road; or if any Owner or Occupier of any such Land or Ground, shall knowingly permit or suffer any other Person or Persons with any Horse, Cattle, or Beast, to pass through the same, whereby Payment of any of the said Tolls, or any Part or Parts thereof, shall be evaded; or if any Person or Persons shall give to or receive from any Person (other than a Col-

[*Loc. & Per.*]

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To prevent
evading the
Tolls.

lector of the said Tolls), any Ticket by this Act directed to be given by a Collector of the said Tolls, or shall forge or counterfeit any such Ticket, or shall forcibly pass through any such Toll Gate or Turnpike as aforesaid, with any Horse, Cattle, or Beast, or shall at any Time or Times take off or cause to be taken off any Horse, Cattle, or Beast, from any Carriage, whereby the Payment of any of the said Tolls, or any Part or Parts thereof, shall be evaded; or if any Person or Persons shall leave or cause to be left upon or near to any Part of the said Road, any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of any of the said Tolls or any Part or Parts thereof; or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, every Person offending in any of the Cases aforesaid, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted; One Moiety whereof shall be for the Use of the Informer or Informers, and the other Moiety thereof shall be applied for the Purposes of this Act, in Manner herein-after directed.

Power to compound for the Tolls.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time, as they shall see convenient, to compound and agree, for any Term not exceeding One Year, at any One Time, with all or any of the Inhabitants of the several Parishes, Townships, or Districts, to or through which the said Road leads, and who shall duly perform their Statute Work upon the same, for the passing of their Horses or Cattle through all or any of such Toll Gates or Turnpikes as aforesaid.

Power to lease the Tolls.

XX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, after giving Twenty-one Days previous Notice thereof in Writing, to be affixed upon all the Turnpikes erected across the said Road, and to be inserted in One or more of the *York* Newspapers, from Time to Time to lease and demise the Tolls granted by this Act, or any Part or Parts thereof, for any Term not exceeding Three Years, for the best Rent or Price that can reasonably be gotten for the same, payable at such Times and in such Manner, and with, under, and subject to such Covenants, Conditions, and Agreements as the said Trustees, or any Five or more of them, shall think fit; they the said Trustees having a Counterpart of such Lease or Leases, and taking such other sufficient Security for Payment of the Rents, to be reserved by and for the Performance of the Covenants to be contained in such Lease or Leases, as the said Trustees, or any Five or more of them, shall think fit.

Power to remove the Toll Gates.

XXI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, when and as often as they shall think proper, to cause any of the Toll Gates or Turnpikes which shall have been erected in, upon, or across or on the Sides of the said Road, to be removed to and erected in, upon, or across or on the Side of such other Part or Parts of the said Road, as the said Trustees, or any Five or more of them, shall from Time to Time order and direct; but none of the said Toll Gates or Turnpikes shall be removed as aforesaid, unless Twenty Days previous

previous Notice of the Intention to remove the same, shall have been affixed, in Writing, upon all the Toll Gates or Turnpikes then erected across the said Road, and inserted in One or more of the *York Newspapers*.

XXII. Provided always, and be it further enacted, That nothing in this Act contained shall empower the said Trustees, or any of them, or any other Person or Persons, to erect any Turnpike or Toll Gate across or on the Sides of the said Road between the Market Cross of the Town of *Thirsk* aforesaid, and the South End of the Village of *Borrowby* aforesaid, nor between the South End of the Village of *Crathorne* aforesaid, and the Bridge across the River *Tees* at *Tarm* aforesaid, nor across any Part of the said Road between the Village or Place called *Ingleby Cross* and the publick Highway nearest to the said Village, which leads from the Road by this Act directed to be repaired to the Town of *Northallerton*, by, through, or near to the Village of *Winton*.

No Toll Gate to be erected in particular Situations.

XXIII. And be it further enacted, That the Right, Interest, and Property of and in all the Toll Gates or Turnpikes and Toll Houses, which shall be erected and provided in pursuance of this Act, with the several Conveniencies and Appurtenances thereunto belonging respectively, and the Materials of which the same shall consist, and all Materials, Matters, and Things which shall be purchased or provided for the Purposes of this Act, shall be vested in the Clerk or Clerks and Treasurer or Treasurers of the said Road for the Time being, and he and they is and are hereby empowered to sell, assign, transfer, apply, and dispose of the same as Occasion shall require, and as the said Trustees shall from Time to Time order, direct, and appoint; and under the like Order, Direction, and Appointment of the said Trustees, to bring or cause to be brought any Action or Actions, or to prefer and prosecute any Indictment or Indictments against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, destroy, injure, or damage any of the said Toll Gates, Turnpikes, or Toll Houses, or any of the Conveniencies or Appurtenances thereunto belonging, or any of the Materials, Matters, or Things aforesaid, or any new Fences which shall be made and repaired by the said Trustees, or who shall do any Act to hinder or obstruct any Person or Persons employed by the said Trustees in the Execution of this Act.

Toll Houses, &c. vested in the Clerk and Treasurer.

XXIV. And be it further enacted, That if the several Persons who have become Subscribers or who shall become Subscribers towards the Expences of obtaining and passing this Act, and of carrying the same into Execution, or any of them, shall, after Twenty Days previous Notice in Writing under the Hand of the Treasurer or Clerk of the said Road for that Purpose to him, her, or them given, or left at his, her, or their Dwelling House or usual Place of Abode, refuse or neglect to make Payment of the respective Sums by him or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees to bring or cause to be brought any Action of Debt, or on the Case, Bill, or Suit, against any Person or Persons so refusing or neglecting as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Pleas or Court of Chancery of the County Palatine

For recovering the Subscriptions.

Palatine of *Durham*, wherein no *Essoign*, *Protection*, or *Wager of Law*, nor more than *One Imparance* shall be allowed; and on Proof of such Person or Persons having so subscribed or agreed to subscribe, and of such Notice being given as aforesaid, such respective Sum or Sums so subscribed or agreed to be subscribed, or so much thereof as shall be required to be paid in such Notice, shall be recovered with full Costs of Suit.

For borrow-
ing Money on
Security of
the Tolls.

XXV. And be it further enacted, That it shall be lawful for the said Trustees, at any of their Meetings, to borrow and take up, at Interest, upon the Credit of the Tolls to arise by virtue of this Act, any Sum or Sums of Money which they shall think necessary for the Purposes of this Act; provided that no Money shall be borrowed after the First Meeting of the said Trustees, unless Twenty-one Days previous Notice thereof shall be affixed in Writing upon all the Toll Gates or Turnpikes, then erected across the said Road, and also published in One or more of the *York* Newspapers, and also in One or more of the *Newcastle* Newspapers; and the said Trustees are hereby empowered, by any Writing or Writings under their respective Hands and Seals, from Time to Time to assign or mortgage the said Tolls, or any Part or Parts thereof, during the Continuance of this Act, as a Security or Securities to any such Subscriber or Subscribers as aforesaid, or other Person or Persons who shall advance such Sum or Sums of Money as aforesaid, their respective Executors, Administrators, and Assigns, for the Money so to be advanced with Interest for the same; which Writing or Writings may be made in the Form or in Words or to the Effect following; (that is to say),

Form of the
Security.

BY virtue of an Act of Parliament, made in the Forty-third Year of the Reign of His Majesty King *George* the Third, intituled, [*Here set forth the Title of the Act*], We _____ of the Trustees for putting the said Act into Execution, in Consideration of the Sum of _____ paid by *A. B.* of _____ to the Treasurer of the said Road, do hereby bargain, sell, and assign unto the said *A. B.* such Proportion of the Tolls to arise upon the said Road, as the Sum of _____ doth or shall bear to the whole Sum now due or hereafter to become due on the Security thereof, to hold the same unto the said *A. B.* his Executors, Administrators, and Assigns, from the Day of the Date hereof, for and during the Continuance of the said Act, unless the said Sum of _____ with Interest for the same, after the Rate of _____ per Centum per Annum, shall be sooner repaid and satisfied. Given under our Hands and Seals this _____ Day of _____ in the Year of our Lord _____

Copies to be
entered.

Mortgages
may be trans-
ferred.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer of the said Road, which Book or Books may at all seasonable Times be perused and inspected without Fee or Reward; and it shall be lawful for all and every Person and Persons to whom any Mortgage or Security shall be made as aforesaid, his, her, and their Executors and Administrators respectively, by Writing or Writings under their respective Hands and Seals, to assign and transfer his, her, and their Right, Title, and Interest, in and to such Mortgage or Security, and the Principal Money and Interest secured thereby,

thereby, to any other Person or Persons; which Assignment and Transfer may be made in the Form or in Words to the Effect following; (that is to say),

‘ I *A. B.* of _____ or I *C. D.* of _____ Form of
 ‘ Executor or Administrator of *A. B.* late of _____ Transfer.
 ‘ [*or otherwise as the Case may happen to be*], in Consideration of the Sum
 ‘ of _____ to me paid by *E. F.* of _____
 ‘ do hereby assign and transfer unto the said *E. F.* his Executors, Ad-
 ‘ ministrators, and Assigns, a certain Mortgage or Security bearing Date
 ‘ the _____ Day of _____ in the Year of
 ‘ our Lord _____ under the Hands and
 ‘ Seals of _____ of the Trustees
 ‘ for putting in Execution an Act of Parliament, passed in the Forty-
 ‘ third Year of the Reign of His Majesty King *George* the Third, intituled,
 ‘ [*Here set forth the Title of the Act*], with all my Right and Title to the
 ‘ Principal Sum of _____ thereby secured, and
 ‘ all Interest now due and hereafter to grow due thereon. Dated this
 ‘ _____ Day of _____ in the Year of our
 ‘ Lord _____

Which Transfer shall be produced to the said Clerk or Treasurer, within Three Calendar Months next after the Day of the Date thereof, who shall enter the same in the Book or Books last mentioned, for which Entry the Sum of Two Shillings and Sixpence and no more shall be paid; and such Transfer shall then entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the Benefit of such Mortgage or Security; and every such Mortgage or Security may be again assigned and transferred in like Manner; and so from Time to Time, as often as Occasion shall require; and it shall not be in the Power of any other than the Person or Persons to whom the same shall be last assigned as aforesaid, his, her, or their respective Executors or Administrators, to release, discharge, or make void the original Mortgage or Security so transferred as aforesaid, or the Monies due thereon, or any Part thereof; and all Persons to whom any Mortgage or Security shall be made as aforesaid, their respective Executors, Administrators, and Assigns, shall, in Proportion to the Sums of Money thereby secured, be Creditors on the Tolls by this Act granted in equal Degree One with another, and shall have no Preference in respect of the Priority of advancing their Monies, or of the Dates of their respective Securities.

Transfers to
be entered.

XXVI. And be it further enacted, That where any Person or Persons shall, in right or by virtue of his or her Marriage, become entitled to any Sum or Sums of Money due on Mortgage or Security of the Tolls hereby granted, an Affidavit, containing a Copy of the Register of such Marriage, shall be made before a Judge of One of His Majesty's Courts of Record at *Westminster*, or a Justice of the Court of Pleas at *Durham*, or before a Master in Chancery in *England*, or One of the Judges of the Court of Sessions in *Scotland*, or a Magistrate or Baillie of some Corporate Town, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Road, who shall make an Entry thereof in the Book or Books which shall be kept for entering Copies of such Mortgages and Transfers as aforesaid; and such Clerk shall, upon the Appli-
 [Loc. & Per.] F cation

Probates of
Wills and
Certificates of
Marriages to
be produced
to the Clerk,
and entered.

cation of the Person or Persons entitled to such Sum or Sums of Money due on Mortgage or Security of the Tolls hereby granted, give and deliver to him, her, or them a Certificate of such Entry; and where any Person or Persons shall, as Executor or Executors, Administrator or Administrators of any Person deceased, become entitled to any such Sum or Sums of Money as last aforesaid, the Probate of the Will or Testamentary Instrument or Letters of Administration under which such Persons shall be so entitled, shall be produced and shewn to the Clerk of the said Road, who shall enter the same, and grant a Certificate thereof in Manner aforesaid, for which Entry and Certificate respectively the Sum of Two Shillings and Sixpence, and no more, shall be paid to the said Clerk.

Application of
the Money.

XXVII. And be it further enacted, That all the Monies which shall arise and be produced by Subscriptions as aforesaid, and from the Tolls by this Act granted, together with the Monies which shall from Time to Time be borrowed in pursuance of this Act, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; that is to say, in the First Place in Payment of the Costs, Charges, and Expences of preparing and passing this Act; in the Second Place, in paying the Interest accruing upon the several Principal Sums of Money which shall from Time to Time be due and owing on the several Mortgages or Securities made in pursuance of this Act; in the Third Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and other Buildings, and of making, forming, repairing, widening, and altering the said Road, and purchasing Lands for those Purposes, and of erecting and maintaining necessary and convenient Bridges upon the said Road, and of executing the several other Powers and Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums for the Time being due on such Mortgages or Securities as aforesaid.

Appointing
Officers.

XXVIII. And be it further enacted; That it shall be lawful for the said Trustees, by Writing under their respective Hands to appoint One or more Collector or Collectors of the said Tolls, Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Road, and such other Officers as the said Trustees shall think necessary; and such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any of them, from Time to Time to remove, and on the Removal, Death, or Resignation of any of them, to appoint others in their Stead (provided that no Person, being a menial Servant of any Trustee, shall be capable of holding any Place of Profit or Trust under this Act); and the said Trustees are hereby authorized to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting in the Execution of this Act, such Salaries and Allowances for their Trouble, Labour, and Service, as the said Trustees shall deem reasonable; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Trustees, deliver to them, or to such Person or Persons as they shall appoint, true, exact, and perfect

perfect Accounts in Writing under their Hands upon Oath (which Oath any One or more of the said Trustees is and are hereby empowered to administer), of all Monies which they respectively shall have received to that Time by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands to the said Trustees, or to such Person or Persons as they shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to give such Account, or to produce or deliver up such Vouchers as aforesaid, or to verify such Account upon Oath, or to pay the Money due upon such Account in Manner aforesaid, or to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, all the Books, Papers, and Writings in his or her Custody or Power, relating to the Execution of this Act; in every or any of the said Cases, it shall be lawful for any Two or more Justices of the Peace for the County or Place where the Officer or Person so making Default shall be or reside, upon Complaint thereof made to them by any Two or more of the said Trustees, to make Enquiry concerning such Refusal, Default, or Neglect, as well by the Confession of the Parties themselves respectively, as by the Testimony of any credible Witness or Witnesses upon Oath (which Oath the said Justices, or either of them, are and is hereby empowered and required to administer without Fee or Reward); and if any such Officer or Person shall be convicted of any of the Offences aforesaid, such Justices shall upon such Conviction commit him or her to the Common Gaol or House of Correction of the same County or Place, there to remain without Bail or Mainprize, until he or she shall have given and made a true and perfect Account and Payment as aforesaid, or until he or she shall have compounded and agreed with the said Trustees (which Composition the said Trustees are hereby empowered to make), or until he or she shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Trustees; provided that no Person shall be so committed as last aforesaid for a longer Space of Time than Six Calendar Months.

XXIX. And be it further enacted, That upon the Death, Incapacity, or Absence of any Collector of the Tolls, it shall be lawful for any Three or more of the said Trustees, though not assembled at a Meeting appointed in pursuance of this Act, by any Writing under their respective Hands, to nominate and appoint a proper Person to be a Collector of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Place or Stead of such Collector as shall so die, become incapable, or absent himself.

Trustees may appoint temporary Collectors in certain Cases.

XXX. And be it further enacted, That the said Trustees shall and they are hereby required, to take such Security from the Treasurer or Treasurers, Receiver and Receivers, Collector and Collectors, Surveyor or Surveyors, and from any other Officers to be appointed in pursuance of this Act, for the faithful Execution of their respective Offices, as the said Trustees shall think proper.

Treasurer to give Security.

XXXI. Provided always, and be it further enacted, That after the First Nomination and Appointment of any Officers in pursuance of this Act,

Trustees who have not acted in the preceding

Year, not to
vote on the
Election of
Officers.

no Trustee shall be capable of voting or acting in any future Nomination or Appointment of any such Officer or Officers, upon Death or any other Vacancy, unless such Trustee shall have acted as a Trustee in the Execution of this Act at least Once within a Year preceding the Time that such Vacancy shall happen, the only Evidence whereof shall be his having signed the Order Book of the said Trustees.

Surveyor may
get Materials
for the Road.

XXXII. And be it further enacted, That it shall be lawful for the Surveyor of the said Road, and such other Person or Persons as shall be employed by such Surveyor, to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials for making, forming, and repairing the said Road, Toll Houses, and Bridges, in, upon, out of, and from any Waste Grounds, Commons, Common Quarries, Rivers, or Brooks, in any Parish, Township, or District, within or near whereto the said Road passes; without paying any Thing for the same, such Surveyor, or other Person or Persons filling up the Pits and levelling the Ground from whence such Materials shall be taken, or sufficiently fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and in case such Materials cannot conveniently be had in such Waste Grounds, Commons, Quarries, Rivers, or Brooks as aforesaid, then to cut, dig, gather, take, and carry away, any such Materials as aforesaid, in, upon, out of, or from and over any other Lands, Grounds, and Quarries, (except as herein-after is mentioned), making such Compensation and Satisfaction for the Damage done to the Owners and Occupiers of such Lands, Grounds, and Quarries, where, through, and from whence, the same shall be digged, gathered, taken, and carried away, or over which any Materials gotten in any Waste Ground, Common, Common Quarry, River, or Brook shall be conveyed, as the said Trustees shall judge reasonable.

Materials not
to be taken
from inclosed
Grounds,
without an
Order from
the Trustees
or Two
Justices.

XXXIII. Provided always nevertheless, and be it further enacted, That it shall not be lawful for any Person or Persons under the Authority of this Act, to dig, gather, take, or carry away any such Materials as aforesaid, in or from any inclosed or private Lands, Grounds, or Quarries, until after Ten Days previous Notice in Writing, signed by the said Surveyor, or some other Officer of the said Trustees, shall have been given to the respective Owners or Occupiers of the Lands or Grounds from which such Materials are intended to be taken or left at the usual Place of Residence of such Owners or Occupiers respectively, requiring them to appear before the said Trustees, or Two or more Justices of the Peace acting for the North Riding of the County of *York*, at a certain Time and Place to be specified in such Notice, to show cause why such Materials should not be taken away; and such Trustees or Justices, after hearing the Parties concerned, shall, if they think proper, authorize such Surveyor or other Officer to dig, gather, take, and carry away such Materials, at such Time or Times, and in such Manner as to such Trustees or Justices shall seem proper; or if such respective Owners or Occupiers shall not by themselves or their respective Agents attend pursuant to such Notice, such Trustees or Justices may make such Order therein as they shall think fit, in the same Manner as if such respective Owners or Occupiers had attended pursuant to such Notice.

XXXIV. And

XXXIV. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall have been digged or gathered for the Purpose of making or amending the said Road, or shall get or take away any Materials out of any Pit or Quarry, which shall have been made for the Purpose of getting Materials for the said Road, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Thirty Days, (except the Owners or Occupiers of any private Lands or Grounds, and the Person or Persons authorized by such Owners or Occupiers who may get Materials therein for their own Use only, and not for the Use of any other Highway, or for Sale), every Person so offending, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Penalty on taking away Materials, etc.

XXXV. And be it further enacted, That no Dung, Ashes, Compost, Manure, or other Thing, shall be unladen and laid down upon any Moor, Common, or Waste Ground, nearer to the Side of the said Road than the Distance of Thirty Feet, upon Pain that every Person so offending, and being lawfully convicted thereof, shall forfeit and pay the Sum of Ten Shillings.

For preventing Obstructions on the Sides of the Roads.

XXXVI. And be it further enacted, That if any Person shall ride upon any Footway adjoining the said Road, or shall lead or drive any Horse, Cattle, or Swine, or any Carriage, on any such Footway, or shall cause any Damage to be done thereto, or shall put or turn any Horse, Ass, Swine, or other Beast or Cattle of any Kind, into or upon the said Road or the Sides thereof; or if any Person shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage, in or upon the said Road or the Side thereof, either with or without any Horse or Beast of Draught harnessed or yoked thereto (except in Case of Accidents), every Person so offending shall forfeit and pay for the First Offence Ten Shillings, and for the Second and any subsequent Offence any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Penalty on damaging Footways, &c.

XXXVII. And be it further enacted, That it shall be lawful for the said Surveyor, and such Person or Persons as he shall appoint from Time to Time, to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Road, by Timber, Stone, Carriages, Saw Pits, or other Pits, Ashes, Dung, Filth, Rubbish, or otherwise, and also to divert or turn any Watercourses, Gutters, Conduits, or Drains, running into the same to the Prejudice thereof, and to open, scour, and cleanse, deepen and enlarge any Gutter, Ditch, Conduit, or Watercourse adjoining or near to any Part of the said Road, and also to cut down, top, or lop any Trees, Branches, or Bushes growing in the said Road, or in the Hedges, Fences, Banks, or Grounds adjoining thereto, and to take and carry away the same, in case the respective Owners or Occupiers of the Lands or Grounds where such Annoyances shall happen to be shall neglect so to do for Ten Days after Notice in Writing given for that Purpose under the Hand of such Surveyor; and the Charges thereof respectively (being settled by the said Trustees) shall be reimbursed to such Surveyor from Time to Time by such respective Owners or Occupiers so neglecting

Surveyors may remove Annoyances.

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as aforesaid; and in case such Charges shall not be paid on Demand, the same shall be levied and recovered in the same Manner as the Penalties, Forfeitures, and Fines, by this Act authorized to be imposed are hereinafter directed to be levied and recovered; and if after the Removal of any such Nuisances and Annoyances as aforesaid, any Person shall offend again in like Manner, every Person so offending again, and being lawfully convicted thereof, shall forfeit and pay the Sum of Forty Shillings.

Surveyor empowered to remove sudden Obstructions without Notice.

XXXVIII. And be it further enacted, That it shall be lawful for the said Surveyor, and such Person or Persons as he shall appoint, from Time to Time, without giving any previous Notice, to remove all such Earth, Trees, Roots of Trees, and other Things, as shall suddenly slide, fall, or be blown down from any Hedge, Bank, or Land, into or upon any Part of the said Road, so as to narrow or obstruct the Passage along the same; and to carry and place the same on any Waste Ground near thereto, so as to be no Annoyance to Travellers; and such Surveyor or Surveyors shall forthwith give Notice thereof to the Owners or Occupiers of the Lands from whence such Earth, Trees, Roots, or other Things, shall so slide or fall, or be blown down as aforesaid; and the Charges of carrying away the same (to be settled by the said Trustees) shall be reimbursed and paid to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered in such Manner as the Penalties and Forfeitures for Offences against this Act are hereby directed to be recovered.

Surveyor may make Causeways and Drains.

XXXIX. And be it further enacted, That it shall be lawful for the said Surveyor, and any other Person or Persons by Order of the said Trustees, to cut and make Ditches, Drains, and Watercourses, in, upon, and on the Sides of the said Road, and also through any Grounds lying contiguous thereto, and to erect, rebuild, and keep in Repair Bridges and Arches upon the said Road, and across any such Ditch, Drain, or Watercourse as aforesaid, and to make sufficient Barriers and other Erections on any Part or Parts of the said Road, in order to prevent the same from being flooded or overflowed with Water, as the said Surveyor shall judge necessary; and also to make or cause to be made any temporary Road or Roads through, over, and along the Grounds adjoining to any narrow or ruinous Part or Parts of the said Road, except as herein-after is mentioned, to be made use of as a Road whilst the old Road shall be repairing, and until the same shall be made safe and convenient for Travellers, making such Satisfaction to the Owners and Occupiers of such Grounds so to be used, cut through, or built upon, for the Damages which such Owners or Occupiers respectively shall sustain thereby, as the said Trustees shall judge reasonable.

Power to widen, turn, or alter the Roads, &c.

XL. And whereas several Parts of the Road herein-before described are not of sufficient Width, other Parts thereof are circuitous, and may be considerably shortened, and other Parts thereof pass over Hills which may be avoided; for Remedy of which Inconveniencies, and for enabling the said Trustees to make and complete the said Road, by opening a new and convenient Carriage Road through any private or inclosed Lands or Grounds lying in or near to the Line of the Road herein-before described,

scribed, be it further enacted, That it shall be lawful for the said Trustees, at any Time or Times, to widen the said Road, and to divert, turn, or alter the Course or Direction of any Part or Parts thereof, and to make a new and convenient Carriage Road through or over any Moor or Waste Ground, without making any Satisfaction for the same, and also through or over any private Lands or Tenements, (except as hereafter is mentioned) first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damages they may thereby sustain; and for that Purpose it shall be lawful for the said Trustees to treat, contract, and agree with the Owners of and Persons interested in any private Lands or Tenements for the Purchase thereof, or for the Loss or Damage which such Owners and Persons interested, or any of them, shall or may anyways sustain by making, widening, turning, or altering any Part or Parts of the said Road; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whomsoever, for and on Behalf of any Infants, Femes Coverts, *Cestuique* Trusts, and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands or Tenements, to contract and agree with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell to them all or any of such Lands or Tenements as Occasion shall require; and all Contracts and Sales so made shall, without any Conveyance or Assurance in the Law, be valid and effectual, to all Intents and Purposes whatsoever, any Law, Statute, Usage, or any other Matter or Thing, to the contrary thereof notwithstanding; and all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act; and if any of such Owners, Proprietors, Occupiers, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or any other Person or Persons interested in any such Lands or Tenements, upon Notice in Writing by the Clerk or Treasurer of the said Road to him, her, or them given or left at the respective Dwelling Houses or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Tenements so to be taken in and added to any Part of the said Road, or into which any Part or Parts of such Road are or is to be turned or altered as aforesaid, shall, by the Space of Ten Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees shall cause it to be enquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the North Riding of the County of York (which Oaths any One or more of the said Trustees is and are hereby empowered and required to administer), what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or other Person or Persons interested for or on Account of the taking of such Lands or Tenements into the said Road, or of turning any Part or Parts of such Road into the same Lands or Tenements; and in order thereto

Power to Corporations, &c. to sell.

thereto the said Trustees are hereby empowered and required, from Time to Time, as Occasion shall require, to summon and call before the said Jury and examine upon Oath, all and every Person or Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses, touching or concerning the Premises, (which Oath any One or more of the said Trustees is and are hereby empowered to administer); and they shall also order and cause the said Jury to view the Places in Question, if there be Occasion, and use all other lawful Ways and Means, as well for their own as for the Jury's better Information in the Premises, as the said Trustees shall think fit; and after the said Jury shall have enquired of, ascertained, and settled such Damages, Recompence, and Satisfaction, the said Trustees shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or Occupiers of, or other Persons interested in the said Lands or Tenements, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition and Order so had and made shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming any Estate in Fee Simple or Fee Tail, for Life or Lives, or Years in Possession, Reversion, Remainder, or otherwise, their Heirs, Successors, Executors, and Administrators, Infants, Issue unborn, Females Covert, Persons beyond the Seas, and under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for the summoning and returning of such Jury or Juries, the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County of *York*, or in case such Sheriff or his Deputy or Deputies shall be anyways interested in the Matter in Question, then to some One of the Coroners of the same County, not interested therein, thereby commanding and requiring such Sheriff or Coroner to empanel, summon, and return a Jury of Twenty-four honest and indifferent Men, qualified according to Law to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the said Trustees, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, his Deputy or Deputies, or Coroner, is and are hereby required to empanel, summon, and return such Number accordingly; and out of the Persons so empanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any One or more of them, shall swear or cause to be sworn Twelve who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, his Deputy or Deputies, or Coroner, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured, to attend that Service, (being qualified as last aforesaid), to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, or such Coroner, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury and shall not appear, unless prevented by Sickness or other sufficient Cause, or who shall refuse to be sworn on the said Jury, or on being so sworn, refusing
to

to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein; contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, or appearing shall refuse to be sworn and give Evidence, provided that any such Fine shall not exceed the Sum of Ten Pounds upon any such Sheriff, his Deputy or Deputies, or Coroner, and the Sum of Five Pounds upon any other Person for any One Offence.

XLI. And be it further enacted, That every Sum of Money, Recompence, and Satisfaction, which shall be agreed for or assessed as aforesaid, shall be paid out of the Monies which shall arise and be produced by virtue of this Act, to the Parties or Persons respectively entitled thereto, or to their Agents, and upon Payment thereof, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer of the said Road for the Use of such Parties or Persons; and after Ten Days Notice thereof to such Parties or Persons, or their Agents, all Owners and Occupiers of and Persons interested in such Lands or Grounds, shall thenceforth be divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same; and such Lands or Grounds shall be laid into and made Part of the said Road, in such Manner as the said Trustees shall direct, and shall be by them, or by such Person or Persons as they shall appoint, sufficiently drained, ditched, fenced and set out for that Purpose, and shall thenceforth to all Intents and Purposes whatsoever, become and for ever afterwards be a common Highway, and shall be deemed Part of the Road to be repaired by virtue of this Act, and shall be repaired accordingly; and after such new Road shall be completed, the Lands constituting the former Road, or any Part thereof, unless leading over some Moor or Waste Ground, or to some Town, Village, or Hamlet, to which such new Road doth not lead, shall be vested in the Clerk or Clerks, and Treasurer or Treasurers of the said Road for the Time being; and he and they is and are hereby empowered to sell the same, in such Manner as the said Trustees shall direct or appoint; and in case of any such Sale, after Payment of the Purchase Money for the Lands so sold, and upon proper Receipts being signed or given for the same by the Clerk or Treasurer for the Time being of the said Road, the Lands so sold as aforesaid respectively, and the Fee Simple and Inheritance thereof respectively, shall be vested in the Person or Persons to whom the same shall be so sold as aforesaid, without any Conveyance or Assurance in the Law whatsoever.

How the Purchase Money is to be paid.

XLII: Provided always, and be it further enacted, That nothing in this Act contained shall empower the said Trustees, or any other Person or Persons, to pull down or damage any Dwelling House or other Building, or to take away or damage any Ground, having been used as a Garden, Orchard, Yard, Walk, or Avenue to a House or Plantation, or Nursery of Trees, for the Space of Twelve Calendar Months then last past, without the Consent in Writing of the Owner or Owners of every such Dwelling House or other Building, Garden, Orchard, Yard, Walk, Avenue, or Plantation or Nursery of Trees respectively, his, her, or their Agent or Agents, under their respective Hands for that Purpose first had and obtained (other than and except the several Dwelling

Dwelling Houses, Gardens, etc. not to be damaged.

[Loc. & Per.]

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ling Houses situate in the Town Street of *Yarm* aforesaid, near the South End of *Yarm* Bridge, belonging to *Francis Gibson*, *George Blades*, *Sir George Wombwell* Baronet, *John Lynas*, *Joseph Robinson*, and *Philip Hodgson* respectively, with the Gardens, Yards, and other Appurtenances thereunto respectively belonging, which it shall be lawful for the said Trustees to purchase without any such Consent as aforesaid; but adequate Compensation shall be made by the said Trustees to the respective Owners of such of the said Dwelling Houses and Tenements as shall be taken for the Purposes of this Act; which Compensation shall be ascertained and paid in such Manner as is herein-before provided in that Behalf.

Roads discontinued not to be repaired.

XLIII. Provided also, and be it further enacted, That in case the ancient or former Road over any Moor or Waste Grounds, shall by virtue of this Act be turned or diverted, the Inhabitants of the Parish, Township, or Hamlet, wherein the ancient or former Road which shall thereby be left or discontinued lieth, shall not be obliged to repair such ancient or former Road, unless the same leads to some Town, Village, or Hamlet, with which the new Road doth not communicate.

Application of Compensation when amounting to 200*l*.

XLIV. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, such Money shall, if the same amount to the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be paid under the Direction and with the Approbation of the said Court (to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments), in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the

the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

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

Application when the Compensation is less than 200*l.* and exceeds 20*l.*

XLVI. Provided also, and be it further enacted, That when such Money so agreed or assessed to be paid, as herein-before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased; taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Three or more of them, shall think fit; or in Case of Infancy or Lunacy, then, to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application when the Money is less than 20*l.*

XLVII. And be it further enacted, That in all Cases where the said Trustees shall widen, turn, or alter any Part or Parts of the said Road, or make any new Road over and through any inclosed Lands or Grounds, the said Trustees shall make, or cause to be made, proper Walls or Quickset Fences where necessary, as the Case shall require, so as effectually to guard and fence off the Lands adjoining to the said Road, and also proper Gates, Bridges, and Arches where necessary, out of the said Road into the Lands adjoining, and shall keep the Quickset Fences so to be made in good Order and Repair for the Term of Six Years from the Time that such Quickset Fences shall have been made or planted.

New Road to be fenced by the Trustees.

XLVIII. Pro-

Lands chargeable to the Repairs of Roads and Bridges to continue so.

XLVIII. Provided always, and be it further enacted, That where any particular Part or Parts of the said Road, or any Bridges, Arches, Drains, Sewers, or Watercourses, lying in and upon the same Road, have been accustomed or ought to be repaired and maintained by any particular Person or Persons, Bodies Politick or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by the North Riding of the said County of York, or any Ward, Parish, or Township therein or otherwise howsoever, all and every such Part and Parts of the said Road, and all such Bridges, Arches, Drains, Sewers, and Watercourses shall from Time to Time be maintained and kept in Repair by such Person or Persons, Bodies Politick and Corporate, County, Wards, Parishes, or Townships respectively, and in such Manner, as the same ought to have been respectively maintained and kept in Repair in case this Act had not been made.

Statute Duty to be continued.

XLIX. Provided always, and be it further enacted, That all Persons by Law chargeable towards repairing any Part or Parts of the said Road, or any Bridges thereon, shall still remain so chargeable, and shall do their respective Statute and other Work in or upon the said Road and the other Highways of the Parishes, Townships, or Districts, in which the said Road lies, in like Manner as before the passing of this Act, (subject nevertheless to the Regulations herein-after expressed concerning the same); and where any old Road shall be discontinued by virtue of this Act, such Statute and other Work shall be performed upon the new Road made in lieu thereof.

How the Statute Work shall be apportioned.

L. And, for ascertaining and determining what Part of the Statute Work ought to be performed on the said Road by the Inhabitants of the several Parishes, Townships, and Districts through which the said Road passes, be it further enacted, That it shall be lawful for the said Trustees, or any Two of them, being acting Justices of the Peace for the North Riding of the County of York, from Time to Time to adjudge and order what Part of the Statute Work shall be done in or upon the Road hereby directed to be repaired, and for what Space of Time, and in what Manner the same shall be done upon such Road by the Inhabitants of each or any of the Parishes, Townships, or Districts, in or through which the said Road shall pass.

For regulating the Performance thereof.

LI. And be it further enacted, That the respective Surveyors of the Highways in all the Parishes, Townships, and Districts through which the said Road passes, shall yearly and every Year, within Ten Days after Demand made to them respectively in Writing by the Surveyor, Clerk, or Treasurer of the said Road, in pursuance of an Order under the Hands of Two or more of the said Trustees, being acting Justices of the Peace for the said Riding, give and deliver to the Person making such Demand a true and exact List or Account in Writing under their respective Hands, of the Christian and Surname of every Person in their said respective Parishes, Townships, and Districts, who are by Law chargeable towards repairing the said Road in such Parishes, Townships, and Districts, and shall set forth and specify in such List what each Person is respectively chargeable with for and towards the same; and such respective Parish or Township Surveyors, within Four Days after Notice to them given by the said

said Turnpike Surveyor, of the Time or Times when and where and how many of the Persons so chargeable as aforesaid are to perform their respective Statute or Days Works, shall summon or give Notice thereof, in the Mode prescribed by Law, to the Persons so chargeable as aforesaid; and if any such Parish or Township Surveyor or Surveyors shall neglect or refuse to do as he and they is and are hereby required and directed to do, or shall wilfully return incorrect or imperfect Lists, he and they shall respectively forfeit and pay the Sum of Five Pounds for every such Refusal or Neglect; and if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, Wain or Wains, and chargeable towards repairing the said Road, shall, after such Summons or Notice as aforesaid, neglect or refuse to send their respective Teams, Draughts, Carts, or Wains furnished with Labourers, Oxen, or Horses, according to the Custom of the Country, and proper Tools to do and perform such their respective Days Works upon the said Road, he, she, or they so neglecting or refusing, shall forfeit and pay the Sum of Ten Shillings for every Day that each Team, Draught, Cart, or Wain shall be wanting, or shall not be duly employed in that Service; and if any Person or Persons who shall be sent with any Team, Draught, Cart, or Wain to work on the said Road, shall be found idle or negligent by the said Turnpike Surveyor, he is hereby authorized and required to discharge and dismiss every such Person or Persons so found idle or negligent, and it shall be deemed as if such Team, Wain, Draught, or Cart had not been sent to work on the said Road, and the same Sum shall be accordingly forfeited and paid; and if any Statute Work shall not be performed within the Year in which the same is due, the same shall be performed in the Course of the succeeding Year.

LII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees at any of their Meetings, by Writing under their Hands, to summon all, every, or any of the Surveyor or Surveyors of the Highways, of all, every, or any of the Parishes, Townships, or Places (the Inhabitants whereof are liable to perform Statute Work on the said Road), to appear before the said Trustees, at any of their subsequent Meetings, and then to deliver in to them a full, true, and just Account in Writing, of all Sums of Money by them respectively received, for, in lieu of, or by way of Composition for Statute Work, in their several and respective Parishes, Townships, or Places (which Account shall be verified upon Oath, if the said Trustees shall require the same); and in case the Person or Persons so summoned shall neglect to appear at the Time and Place therein appointed, or shall refuse or neglect to deliver in such Account as aforesaid, or if required to verify the same upon Oath, or to pay to the Treasurer of the said Road, or as the said Trustees shall direct, within Five Days from the Time of producing the said Account, or whereon the same ought to have been produced, such proportionable Part of all such Composition Money as such Surveyor or Surveyors, or any of them, shall have received, or without their wilful Neglect or Default might have received, that then in all or any of the said Cases the Person or Persons so offending shall for every separate Offence forfeit and pay a Sum not exceeding Twenty Shillings nor less than Five Shillings.

How Trustees may compel Surveyors of Highways to account for Composition Money.

LIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to compound and agree, by the Year or otherwise, with the Owners or Occupiers of any Lands, Tenements, or

Statute and other Work may be compounded for.

[Loc. & Per.]

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Hereditaments,

Hereditaments, or other Persons, Bodies Politick, or Corporate, liable or chargeable with or towards the Repair of any Part or Parts of the said Road, or any Bridges, Arches, Drains, Sewers, or Watercourses lying in and upon the same, for the Performance of Statute Work thereon, for the Payment of a Sum or Sums of Money in lieu of such Repairs and Statute Work respectively; and also for the respective Surveyors of the Highways of any of the said Parishes, Townships, and Districts through which the said Road passes, to compound and agree, by the Year or otherwise, with the said Trustees, for and in lieu of the Statute Work to be performed by the Inhabitants of such Parishes, Townships, and Districts, upon any Part or Parts of the said Road.

For recovering the Composition Monies.

LIV. And be it further enacted, That in case the Composition Money agreed to be paid for passing through any Turnpikes or Toll Gates, or in lieu of any such Repairs or Statute Work as aforesaid, or any Part or Parts of such Composition Money respectively, shall not be paid within Fifteen Days after the same shall become payable, it shall be lawful for the said Trustees, or any Justice or Justices of the Peace for the North Riding of the County of *York*, by Writing under their respective Hands and Seals, to empower the Person or Persons authorized to receive such Composition Money (Oath having been first made before such Trustees, or such Justice or Justices, that the same hath been demanded and remains due, which Oath they are hereby respectively empowered to administer), to levy such Composition Money by Distress and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways, or other Person or Persons having so compounded or agreed to pay such Composition Money as aforesaid, returning the Overplus (if any) after deducting such Composition Money and the reasonable Charges of such Distress and Sale upon Demand, to the Owner or Owners thereof.

How Surveyors of the Highways are to be reimbursed, and Composition Money paid by them.

LV. And be it further enacted, That the respective Surveyors of the Highways who shall pay any such Composition Money, or of whom the same shall be recovered as aforesaid, shall be repaid or reimbursed the Composition Money paid by or recovered of them respectively, with the Costs and Charges attending such Recovery, by the several Ways and Means and in such Manner as by the Laws in being Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Trustees may contract for Repairs.

LVI. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose appoint, are hereby empowered to contract with any Person or Persons for making, altering, raising, widening, and repairing the said Road, or any Part or Parts thereof respectively, or any Arches or Bridges upon the same, and for doing any other Work by this Act authorized to be done, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and also to contract with any Person or Persons, Bodies Politick or Corporate, for the Payment of any annual Sum or Sums in gross, as a Compensation or Satisfaction for any Loss, Injury, or Damage which he, she, or they shall or may sustain, by carrying this Act into Execution; and all Contracts in Writing for any of the Purposes aforesaid, which shall be entered into pursuant to an Order made at any Meeting by the said Trustees shall be binding to all Parties who shall sign the same, his, her,

her, and their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof.

LVII. And be it further enacted, That the said Trustees shall cause the said Road to be measured, and Mile Stones or Posts to be set up, and from Time to Time renewed on the Sides thereof respectively, with Inscriptions thereon denoting the Number of Miles and Distance of Places, and also proper Direction Posts where any other Roads lead out of or into the said Road; and if any Person or Persons shall wilfully break, pull down, destroy, or damage any of the Stones or Posts which shall be so fixed or set up, or erase, obliterate, or deface any of the Inscriptions or Letters which shall be engraven or made thereon, or any Part thereof, or cause or procure the same to be done, every Person so offending, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds nor less than Twenty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Mile Stones
and Direction
Posts to be
erected:

LVIII. And be it further enacted, That if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Road, excepting only on crossing the same, any Tree or Piece of Timber, or any Stone, otherwise than upon wheeled Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon wheeled Carriages to drag upon any Part of the said Road to the Prejudice thereof, every Person so offending, and being lawfully convicted thereof, shall forfeit and pay the Sum of Twenty Shillings.

Penalty on
hauling Tim-
ber or Stones
on the Road.

LIX. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act imposed or authorized to be imposed (the Manner of levying and recovering of which is not herein otherwise particularly directed), shall, upon Proof of the Offences and Conviction of the Offenders respectively before any One or more Justice or Justices of the Peace for the County, Riding, or District wherein such Offences shall be committed, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by virtue of a Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices (which Warrant or Warrants such Justice and Justices is and are hereby authorized and required to grant, and to administer such Oath *gratis*); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and all such Penalties, Forfeitures, and Fines (if not otherwise directed by this Act), shall be paid to the said Trustees or their Treasurer, and applied for the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid, such Justice or Justices is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for such County, Riding, or District, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties,
Forfeitures,

How Penalties
and Forfeit-
ures are to be
recovered and
applied.

Forfeitures, and Fines, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

LX. And, for the more easy Conviction of Offenders against this Act, be it further enacted, That the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, may cause the Conviction to be drawn up in the Form or in Words to the Effect following, *mutatis mutandis*, as the Case shall happen to be :

Form of Con-
viction,

North Riding
Yorkshire,
to wit.

BE it remembered, That on [Time of Conviction] at [Place of Conviction] A. B. [Name of Offender] of [Addition of Offender] was duly convicted before me [or us] [Name and Style of convicting Justice or Justices] for that the said A. B. [Name of Offender] on [Time of committing Offence] at [Place of committing Offence] did [here state the Offence against the Act, according to the Fact] contrary to the Form of the Statute made in the Forty-third Year of the Reign of His Majesty King George the Third, intituled, [here set forth the Title of this Act]: And I [or we] do therefore declare and adjudge that the said A. B. [Name of Offender] has forfeited for the said Offence the Sum of [Fine] or shall be committed to [Place of Imprisonment] for the Space of [Time of Imprisonment.] Given under my Hand and Seal [or, our Hands and Seals] the Day and Year first above written.'

Appeal to
the Quarter
Sessions.

LXI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Matter or Thing done in pursuance of this Act, for which no particular Relief hath been herein-before provided (save and except the Verdict of the Jury, and any Determination, Proceeding, Matter, or Thing herein-before directed to be final), such Person or Persons may within Six Calendar Months after the Cause of Complaint shall arise, appeal to the Justices of the Peace at their General Quarter Sessions to be holden for the North Riding of the County of York, such Appellant or Appellants first giving, or causing to be given Ten Days Notice in Writing, of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer of the said Road, and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of the Justices at such Quarter Session, and to pay such Costs as shall be awarded against him, her, or them, by such Justices; and the Justices at their said Sessions, on due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall proceed in, hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award Costs to the Party appealing or appealed against, as they shall think proper, and their Determination shall be final, binding, and conclusive to all Intents and Purposes.

Proceedings
to be entered
in a Book.

LXII. And be it further enacted, That all Orders and Proceedings of the said Trustees in the Execution of this Act shall be entered in a Book or Books to be kept for that Purpose, and shall be signed by the same Number of Trustees as are empowered to make or direct the same, and shall

shall then be deemed original Orders and Proceedings; which Book or Books, and also the Book directed to be kept for registering Mortgages and Transfers, shall and may be produced and read in Evidence in all Courts and before all Justices and other Persons having Jurisdiction in the Premises.

Books to be Evidence.

LXIII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing which shall be done against or by virtue of this Act, in the Name of their Clerk or Treasurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, in the Name of their Clerk or Treasurer, by virtue of this Act, shall abate or be discontinued by the Death or Removal of any such Clerk or Treasurer, or by the Act of such Clerk or Treasurer, without the Consent of the said Trustees, but that the Clerk or Treasurer for the Time being to the Trustees shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action; and every such Clerk or Treasurer, in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding he shall pay, bear, expend, or be put unto, or become chargeable with, by reason of his being made Plaintiff or Defendant as aforesaid.

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

LXIV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty Days Notice thereof shall have been given to the Clerk or Treasurer of the said Road, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after the Expiration of Six Calendar Months from the Time of the Fact being committed; and every such Action or Suit shall be laid or brought in the County of *York*, and not elsewhere; and the Defendant or Defendants in every such Action shall or may, at his, her, or their Election, plead specially, or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall have been brought before Twenty Days Notice thereof was given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Expiration of the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant hath in other Cases by Law.

Limitation of Actions.

LXV. And be it further enacted, That this Act shall commence upon the Fourth Day of *January* One thousand eight hundred and three, and continue in force until the Fourth Day of *January* One thousand eight hundred

Commencement and Continuance of the Act.

[*Loc. & Per.*]

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Publick Act. hundred and twenty-four, and from thence to the End of the then next Session of Parliament; and this Act shall be adjudged, deemed, and taken to be a publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without the same being pleaded specially.

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