ANNO SECUNDO

# GULIELMI IV. REGIS.

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## *Cap.* xxii.

## An Act for more effectually repairing the Road leading from *Boroughbridge* in the County of *York* to the City of *Durham*, and for making and maintaining certain Deviations therein.

[24th *March* 1832.]

WHEREAS an Act was passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually repairing the Road* 52 G.3. c.38. *from* Boroughbridge *in the County of* York *to the City of* Durham: And whereas the widening the said Road in several Places, and the making and maintaining of certain Deviations or new Lines of Road therein, (that is to say, from a certain Inn called the *Angel* to a certain Inn called the *Durham Ox*, from Seven hundred and twenty Yards North of the first Mile Director from *Northallerton* to the East Angle of *Grindstone Crook*, from the Lane End leading to *Heighington* in the Village of *Great Aycliffe* to a Point One hundred and ten Yards North of the said Village, from Four hundred and twenty Yards South of the Village of *Ferryhill* to Nine hundred and thirty Yards North of the said Village, and from the East End of the Road leading from *Bishop Auckland* to *Sunderland Bridge* to the South End of a Bridge across the River *Wear* called *Sunderland Bridge*) would be of great public Utility: And whereas considerable Sums of Money have been borrowed on the Credit of the Tolls arising on the said Road, a great Part of which Money still remains undischarged and cannot be paid off, nor can the said Road be effectually repaired, amended, widened, altered, diverted, improved, and

maintained, nor the proposed Diversions or Deviations of Road made and maintained, unless the Tolls authorized by the said recited Act to be collected be increased and altered, and new Tolls be granted, and unless the Term of the said recited Act be enlarged, and the Powers and Provisions thereof varied and extended, and new and additional Powers and Provisions granted and made: And whereas it would be convenient for the Purposes aforesaid if the said recited Act were repealed, and the Powers and Provisions herein-after contained granted and made instead thereof; but the same cannot be effected without the Aid and Authority of Parliament: 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 from and after the passing of this Act the said recited Act of the Fifty-second Year of the Reign of His late Majesty King *George* the Third shall be and the same is hereby declared to be repealed (except so far and during such Time as the existing Tolls are herein-after directed to be continued in force).

Recited Act repealed;

and this Act to be put in force.

II. And be it further enacted, That this Act shall thereupon commence and take effect, and shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, amending, widening, altering, diverting, improving, and maintaining the Road from *Boroughbridge* in the County of *York* to the City of *Durham*, and of making and maintaining the several new Lines, Diversions, and Deviations of Road herein-after respectively mentioned; that is to say, a new Line, Diversion, or Deviation of Road, to commence in the said Road at or near to a certain Inn called the *Angel*, in the Parish of *Northallerton*, to terminate at and communicate with the said Road at a certain Inn called the *Durham Ox*, in the said Parish of *Northallerton*; another new Line, Diversion, or Deviation of Road, to commence at a Point in the said Road Seven hundred and twenty Yards North of the first Mile Director from *Northallerton*, to terminate at and communicate with the said Road at or near to the East Angle of a certain Part of the said Road called *Grindstone Crook*, in the said Parish of *Northallerton* in the North Riding of the County of *York*; another new Line, Diversion, or Deviation of Road, to commence in the said Road in the Village of *Great Aycliffe*, at or near to the Lane End leading to *Heighington*, and to terminate at and communicate with the said Road at a Point therein at the Distance of One hundred and ten Yards North of the said Village of *Great Aycliffe* in the Parish of *Aycliffe*; another new Line, Diversion, or Deviation of Road, to commence in the said Road at Four hundred and twenty Yards South of the Village of *Ferryhill*, and to terminate at and communicate with the said Road at a Point therein at the Distance of Nine hundred and thirty Yards North of the said Village of *Ferryhill* in the Parish of *Merrington*; and another new Line, Diversion, or Deviation of Road, to commence in the said Turnpike Road at or near to the East End of the Road leading from *Bishop Auckland* to *Sunderland Bridge*, and to terminate at and communicate with the said Turnpike Road at or near to the South End of a certain Bridge across the River *Wear*, called *Sunderland Bridge*, in the Parish of *Saint Oswald* in the County of *Durham*.



III. And

Trusstee.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the North Riding of the County of *York*, all His Majesty's Justices of the Peace for the Time being acting for the County of *Durham*, together with the Honourable *Richard Pepper Arden*, *John Ainsley*, *William Allan*, *Robert Henry Allan*, *Henry Allison*, *William Armitage*, *Thomas Arrowsmith*, *Jonathan Backhouse*, *Edward Backhouse*, *William Backhouse*, *John Backhouse*, *James Backhouse*, *John Barker*, *Bulkley Bandinel* Doctor in Divinity, *Francis Philip Bedingfield*, *John Bell*, *Christopher Bethel* Clerk, *Blanshard*, *Boss*, *Thomas Booth*, *John Booth*, *Richard Booth*, *William Bolam*, *Robert Botcherby*, *John Bourn*, *John Bourn* the younger, *George Brotherick*, *Richard Byron*, *Richard Byron* the younger, *Thomas Bowes*, *William Burnett*, *John Carter*, *Edward Chapman*, *Thomas Charge*, *John Clarvaux Chaytor*, *Matthew Hutton Chaytor*, *William Clementson* Clerk, *John Coates*, *Charles Colling*, *John Colling*, *William Colling*, *Robert Colling*, *James Nicholson Collyer*, *Peter Consett*, *Henry Cocks*, *Edward Thomas Copley*, *Sheldon Cradock*, *James Scaife Crawford*, *James Crow*, *Matthew Culley*, *William Cust* Clerk, the Right Honourable the Earl of *Darlington*, *James Dalton* Clerk, *Cecil Dalton* Clerk, *Edward Davison* the younger, Clerk, *Morton Davison*, *George Davison*, *Henry John Duncombe* Clerk, the Honourable *Thomas Dundas*, the Honourable *Charles Dundas*, Sir *Robert Dundas* Knight Companion of the Bath, *Benjamin Dunn*, Sir *Robert Johnson Eden* Baronet, *John Fogg Elliott*, *Thomas Henry Faber*, *Fletcher*, *William Addison Fountaine* Clerk, *Percival Fry* Clerk, *Samuel Gamlen* Clerk, *William Grey*, *George Scurfield Grey*, *Thomas Robinson Grey* the younger, *Anthony Hammond*, Sir *Charles Hardinge* Baronet, Sir *Henry Hardinge* Knight Companion of the Bath, *Frederick Hardinge*, *William Harland*, *Charles William Harland*, *Thomas Harrison*, *Cornelius Harrison*, *James Hewgill* Clerk, *John Hodgson*, *Richard Hodgshon*, *Robert Hodgson*, *William Hodgson*, *John Hood*, *John Humphries*, *Thomas Humphries*, *Robert Hugginson*, *Henry Hutchinson*, *George Hutchinson*, *John Hutchinson*, *William Hutt*, *John Hutton*, *John Jefferson*, *Ralph John Lambton*, *William Henry Lambton*, *Hedworth Lambton*, *Newbey Lowson*, *Charles Lyon*, *George Macfarlane* Clerk, *Christopher Mason*, *John Edward Mason*, *John Masterman*, *Jacob Maude*, *Thomas Mitchinson Maude*, *William Maude*, *John Maynard*, *Anthony Lax Maynard*, *Dredge Merest* Clerk, Sir *John Penniston Milbanke* Baronet, *Mark Milbanke*, *Arthur Mowbray*, *John Nelson*, *John Douthwaite Nesham* the younger, *James O'Callaghan*, *Thomas Ord*, *Benton Ord*, *John Ord*, *Ralph Page*, the Honourable *William Powlett* commonly called Lord *William Powlett*, *Thomas Peacock* Clerk, *Edward Pease*, *Edward Pease* the younger, *John Pease*, *Joseph Pease*, *Joseph Pease* the younger, *Thomas Benson Pease*, *John Beaumont Pease*, *James Pierse*, *Pierse*, *Robert Pescot*, *James Potts* Clerk, *William Pybus*, *Thomas Surtees Raine*, *Raine* Clerk, *Leonard Raisbeck*, *John Redfearn*, *John Richmond*, *William Richmond*, *George Richmond*, Sir *Matthew White Ridley* Baronet, *Matthew Ridley*, *Gray Rigge*, *Thomas Pickering Robinson*, *William Robson*, *John Wayne Rockliffe*, the Right Honourable *Edward* Lord *Rokeby*, *William Rutson*, *William Russell*, *William Thomas Salvin*, *Gerard Salvin*, *Brian John Salvin*, *Robert Sanderson*, *Thomas Scarth*, *Thomas Freshfield*

*field Scarth, George Scurfield, William Hutton Seymour, Robert Eden Duncombe Shaftoe, Thomas Shaftoe, Robert Duncombe Shaftoe, Robert Sheraton, William Sheraton, John Sheraton, Christopher Sherwood, William Sherwood, George Silvertop, Charles Silvertop, Thomas Simpson, John Pemberton Simpson* Clerk, *William Skinner, William Skinner* the younger, *George Skinner, John Hoult Skinner, John Smith, John Whitney Smith, William Smith, Henry Pascoe Smith, Josiah Smithson, John Smurthwaite, Thomas Sowerby, Edward Squire, Thomas Stamp, William Stow Stowell, William Stow Stowell* the younger, *Robert Surtees* of *Mainsforth, George William Sutton,* the Right Honourable *Charles Tennyson, William Tetley, Arthur Trevor, John Trotter* of *Ketton, John Trotter* Doctor in Physic, *George Dale Trotter, Cuthbert Usher,* the Honourable *Harry Vane* commonly called Lord *Harry Vane, Thomas Vaughan* Clerk, *Edward Waldy, William Dodsworth Walker, Thomas Stubbs Walker, Thomas Stubbs Walker* the younger, *John Sanders Walton, William Ward, John Daniel Wastell* Clerk, *George Edward Watts, Jonah Wass, James Watson, James Watson* the younger, *Benjamin John Weatherell, William Welbank, John Hall Wharton, William Lloyd Wharton, Thomas Wheldon, Christopher White, Matthew Wilkinson, Loyzelure Wilkinson,* Sir *Hedworth Williamson* Baronet, *William Hamilton Williamson, Robert Huddleston Williamson, Henry Witham, Henry John Witham, William Lawrence Witham, George Witham, Thomas Witham, George Wray, James Allan Wright, John Allan Wright, Thomas Wrightson, William Battie Wrightson,* and *Montagu John Wynyard* Clerk, and their Successors, being duly qualified according to the Provisions and Directions of the several Acts for regulating Turnpike Roads in *England,* shall be and they are hereby appointed Trustees for more effectually repairing, amending, widening, altering, diverting, improving, and maintaining the said Road, and also for making, maintaining, and keeping in repair the said new Lines, Diversions, and Deviations of Road, and for otherwise carrying this Act into execution.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting to be held at *Northallerton* aforesaid, or at any Place in or near to the said Road in the North Riding of the County of *York,* for the Purpose, to elect and appoint any Number of Persons, not exceeding Three in the whole, and from Time to Time at any Meeting to be held at *Darlington* aforesaid, or at any Place in or near to the said Road in the County of *Durham,* for the like Purpose, to elect and appoint any Number of Persons, not exceeding Three in the whole, to be Trustees for executing this Act, in addition to the Trustees hereby appointed; and such Persons to be elected and appointed, and being duly qualified as aforesaid, shall be Trustees for the Purposes of this Act, and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been named and appointed Trustees in and by this Act.

First Meeting of the Trustees.

V. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the Town Hall in *Darlington* in the County of *Durham,* or at some other convenient Place in *Darlington* aforesaid, on the Second *Monday* next after the Commencement

ment of this Act, or as soon afterwards as conveniently may be, and shall and may then adjourn themselves to the House of *Francis Hirst*, the *Golden Lion* Inn in *Northallerton* in the North Riding of the County of *York*, or to some other convenient Place in *Northallerton* aforesaid, and shall from Time to Time afterwards adjourn to and meet alternately at *Darlington* and at *Northallerton* aforesaid, or at any Place or Places in or near to the said Road, alternately in the North Riding of the County of *York* and the County of *Durham*, as they shall think proper.

Former Tolls to continue till 1st May 1832.

VI. And be it further enacted, That all the Tolls granted and now in force by or by virtue of the said recited Act, to be taken on the said Road, and all existing Exemptions thereon, shall continue and be in force and be received and taken by virtue of this Act at the several Toll Gates which are continued or may hereafter be erected on the said Road, until the First Day of *May* One thousand eight hundred and thirty-two, and shall and may be collected, recovered, and applied by the same Ways and Means, and under and subject to the same Powers, Provisions, Regulations, Penalties, and Forfeitures, and for so much and the same Purposes, as are herein expressed and contained with respect to the said new Tolls hereby granted.

The present Gates to be continued, and new ones may be erected.

VII. And be it further enacted, That all and every the Toll Gates, Toll Bars, Turnpikes, and Toll Houses, and Weighing Machines, now standing and being upon the said Road or upon the Sides thereof, shall remain and be continued until removed by any Order or Orders of the said Trustees; and it shall be lawful for the said Trustees to order or cause to be erected and built or set up and placed upon, in, or across the said Road, and the said new Lines, Diversions, and Deviations of Road hereby authorized to be made, or any Part thereof, or by the Sides thereof, when, where, and as they shall judge necessary, any Toll Gate or Toll Bar, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Toll Houses and Weighing Machines, with Outhouses and Conveniences thereto, and also from Time to Time to order and cause to be taken down and removed or altered or discontinued the same present Toll Gates or Turnpikes and Weighing Machines, and such further Toll Gates or Turnpikes, Chains and Weighing Machines, as they shall think proper, and to erect others in their Stead.

Trustees to make and set out Roads.

VIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to make the Widenings, new Lines, Diversions, Deviations, and Improvements herein-before mentioned, from, out of, and into the said Road, according to the Map or Plan herein-after referred to, in such Manner as to them shall seem right and proper.

Plan deposited at the Offices of the Clerks of the Peace to remain open for Inspection.

IX. And whereas a Map or Plan describing the Widenings, new Lines, Diversions, and Deviations herein-before mentioned and proposed to be made in, from, out of, and into the said Road, and the Messuages or Tenements, Lands and Hereditaments, through or over which the same are to be made and carried, together with a Book of Reference containing a List of the Names of the Owners or reputed

reputed Owners and Occupiers of such Messuages or Tenements, Lands and Hereditaments, have been deposited at the Offices of the respective Clerks of the Peace for the North Riding of the County of *York* and the County of *Durham*; be it therefore further enacted, That the said Map or Plan and the Book of Reference shall remain in the Custody of the Clerks of the Peace for the said North Riding of the County of *York* and the County of *Durham* respectively, to the end that all Persons may at all reasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts therefrom, at their Will and Pleasure, paying to the Clerks of the Peace respectively the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees, in making the said Widenings, new Lines, Diversions, and Deviations in, from, out of, and into the said Road, shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Messuages or Tenements, Lands and Hereditaments, such new Lines, Diversions, and Deviations shall be made.

Trustees restricted in deviating from Plan.

Lands marked in the Plan may be used notwithstanding Errors in the Book of Reference.

X. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the Widenings, new Lines, Alterations, Deviations, and Diversions herein-before mentioned in, from, out of, and into the said Road, into, through, across, and over the several Lands and Grounds, and into and through the Messuages or Tenements and Hereditaments of any Person or Persons who is or are or may be Owner or Owners, Occupier or Occupiers of such Lands and Grounds, Messuages, Tenements, and Hereditaments, into or through which the same is or are set out or described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mistaken in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the Riding, County, or Place wherein such Lands or other Hereditaments shall be situated, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake, or that the Owners or Occupiers of such Lands or other Hereditaments had Notice that the same would be wanted for the Purposes of this Act.

Power to take down Buildings, &c. in Schedule.

XI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered and authorized, to enter upon, take possession of, and use all and every or any of the Houses, Buildings, Yards, inclosed Ground, Hereditaments, and Premises comprised and mentioned in the Schedule to this Act annexed, for the Purposes of this Act, at such Time or Times within the Space of Five Years, to be computed from the passing of this Act, as they may think proper, tendering or making Satisfaction to the Owners thereof and Persons interested therein for the Loss or Damage they may thereby sustain: Provided always, that if the said Trustees shall not, within the Space of Three Years after the passing of this Act, agree for, or cause to be valued and paid for, the several Houses or other Buildings, Lands, Hereditaments, and Premises comprised in

the said Schedule, and which they are by this Act empowered to purchase, take, and use, or so much thereof as they shall respectively deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers hereby given them for such Purpose shall cease, determine, and be utterly void, except with the Consent of the Owners or Occupiers thereof respectively.

Entrance into Fields, &c. to be made with hard Materials.

XII. And be it further enacted, That in all Places throughout the said Road, Widenings, new Lines, Diversions, and Deviations of Road, where any Entrance shall be therefrom to any Field, Garden, Yard, or other Land or Ground, or to any Buildings, such Entrance shall be properly covered with Stones, Gravel, or other hard Materials, and a proper Culvert or Drain made by or at the Expence of the Proprietor or Occupier of such Field, Garden, Yard, Land, Ground, or Building, so that such Road, Widenings, new Lines, Diversions, and Deviations of Road, may not be injured by the Stoppage or Running of Water, or by Carriages or Horses passing to or from the same by such Entrance; and in case such Proprietor or Occupier shall neglect to cover with proper Materials such Entrance, or to make such Culvert or Drain, or to put and keep the same respectively in proper Order, for the Space of One Calendar Month after Notice in Writing given to such Proprietor or Occupier, or left for him or her at his or her usual or last usual Place of Residence, by the Surveyor or Surveyors to the said Trustees, or other Person or Persons appointed by them, requiring such Proprietor or Occupier so to make or repair the same, then it shall be lawful for the said Trustees, or their Surveyor or Surveyors, or any other Person or Persons acting by or under their Authority, to cover such Entrance with Stone, Gravel, or other hard Materials, and to make such Culvert or Drain, or to repair the same respectively, as the Case may be, and the Expences thereof shall be reimbursed and paid to the said Trustees by such Proprietor or Occupier; and in case of Nonpayment of such Expences within Fourteen Days after the same shall have been demanded by or on the Behalf of the said Trustees, then such Expences shall and may be recovered, together with the Costs and Charges attending the recovering the same, by Distress and Sale of the Goods and Chattels of such Proprietor or Occupier, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the County, Borough, or separate Jurisdiction within which such Default in Payment shall be made, or for the County, Borough, or separate Jurisdiction within which the Goods and Chattels of such Proprietor or Occupier shall be situate; and such Warrant of Distress any such Justice or Justices is or are hereby authorized and empowered to grant, on Proof made before him or them, on Oath, of such Expence having been incurred, and of such Notice having been given as aforesaid; and any Overplus shall be returned, on Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Penalty for hanging out Clothes, &c.

XIII. And be it further enacted, That if any Person or Persons shall hang or put or place out any Linen or other Clothes on any Line, Bank, Rail, or Fence adjoining the said Road or any Part thereof, or shall hang or put or place any Hook or Hooks or other Thing or Things

Things to, from, or in any House, Shop, or Place adjoining, or being near to the said Road or any Part thereof, so as to project into the same, or to be an Annoyance to any Person or Persons or Cattle passing thereon, or prevent the free and safe Use of the whole Breadth of the said Road, every Person offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above any Damage that may be occasioned thereby.

Power to take Tolls.

XIV. And be it further enacted, That from and after the First Day of *May* next after the passing of this Act it shall and may be lawful for the said Trustees, or any Person or Persons being a Lessee or Farmer, or appointed or continued to be appointed Collector of the Tolls to be taken by virtue of this Act, to demand and take, or cause to be demanded and taken, at the several and respective Toll Gates and Turnpikes, Toll Houses, Side Gates, Side Bars, or Chains, which are or shall be standing and being or continued or erected by virtue of this Act, any Sum not exceeding the several and respective Tolls or Sums of Money herein-after respectively mentioned; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Stage Coach, Diligence, Chariot, Landau, Berlin, Vis-a-vis, Barouche, Chaise, Phaeton, Sociable, Curricle, Calash, Car, Chair, Gig, Wiskey, Caravan, Van, Hearse, Litter, Shandry, or any other such like Carriage, built and constructed with Springs, the Sum of Eight-pence:

For every Horse or other Beast of Draught (except an Ass) drawing any Waggon, Wain, Cart, Dray, or any other such Carriage, and having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches and upwards, the Sum of Sixpence; and having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Four and a Half Inches, and under Six Inches, the Sum of Seven-pence Halfpenny; and having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Three Inches and under Four and a Half Inches, the Sum of Nine-pence; and having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Three Inches, the Sum of Ten-pence Halfpenny:

For every Ass drawing any Carriage, the Sum of Three-pence:

For every Coach, Waggon, Vehicle, or other Carriage, of whatever Description, propelled or drawn by Steam, Gas, Machinery, or any other like Means, and not by Animal Power, for each Horse Power the Sum of Nine-pence:

For every Horse or Mule, laden or unladen, and not drawing, the Sum of Two-pence:

For every Ass, laden or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen, Cows, Calves, or Neat Cattle, after the Rate *per* Score of the Sum of One Shilling and Three-pence:

For every Drove of Hogs, Swine, Goats, Sheep, or Lambs, after the Rate *per* Score of the Sum of Seven-pence Halfpenny.

As to Fractions in Tolls.

XV. And be it further enacted, That in all Cases in which there shall be a fractional Part of a Halfpenny in the Calculation or Amount of

of the Tolls by this Act granted or authorized to be collected, or any of them, the Sum of a Halfpenny shall be demanded and taken in lieu of such fractional Part.

No Toll to be paid on repassing;

XVI. Provided also, and be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle through any Toll Gate, Turnpike, Side Gate, Side Bar, or Chain continued or to be erected by virtue of this Act, such Horse, Beast, or Cattle shall, at any Time during the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock of the next succeeding Night, upon Production of a Ticket denoting the Payment of such Toll on that Day, be permitted to repass Toll-free (except as herein-after mentioned with respect to Horses, Beasts, or Cattle drawing Stage Coaches or other such like Carriages, or drawing Post Chaises or other such like Carriages,) through the same Toll Gate or Toll Bar, and also through such other Toll Gates and Toll Bars (if any) as the Ticket for such Payment shall free: Provided nevertheless, that no Horse, Beast, or Cattle for which Toll shall have been paid at any of the said Toll Gates, Turnpikes, Side Gates, Side Bars, or Chains, drawing another or different Waggon, Wain, Cart, or other such Carriage, or drawing for Hire or Reward a fresh or different Lading of the Weight of Two hundred and forty Pounds Avoirdupois, or more, in the said Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass through the same Toll Gate or Toll Bar, on the same Day, without again paying Toll, if, in so repassing, such Horse, Beast, or Cattle shall go or travel upon the said Road for the Distance of Three Miles or more: Provided always, that nothing in this Act contained shall extend or be construed to extend to authorize the said Trustees to demand or take any Toll whatsoever at any Toll Gate, Turnpike, Side Gate, Side Bar, or Chain continued or to be erected by virtue of this Act, for any Horse, Beast, or Cattle that shall or may pass on that Part of the said Road only repaired by the North Riding of the County of *York* or the County of *Durham* respectively, or the said North Riding and the said County of *Durham* conjointly, unless such Horse, Beast, or Cattle shall also pass One hundred Yards on that Part of the said Road repaired by the said Trustees.

nor on that Part of the Road repaired by the Counties of York and Durham.

Stage Coaches, &c. to pay each Time of passing;

XVII. Provided always, and be it further enacted, That for and in respect of all Horses or Beasts drawing any Stage Coach or Caravan, and also in respect of all Horses or Beasts drawing any Carriage whatever, and also for and in respect of every such Carriage moved or propelled by Steam or Machinery, or any other Power than Animal Power, employed in carrying Passengers or Goods for more than One Person, for Payment, Hire, or Reward, the Tolls by this Act granted shall be paid for every Time of passing and repassing through all or any of the Toll Gates, Turnpikes, Side Gates, Side Bars, and Chains continued or to be erected by virtue of this Act: Provided nevertheless, that no further or additional Toll shall be payable in respect of any Stage Coach, Diligence, Van, or Caravan, on account only of the Horses drawing the same having been changed.

Post Chaises on every new Hiring.

XVIII. Provided also, and be it further enacted, That the said Tolls hereby made payable shall be paid for and in respect of all Horses

Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for each Time of passing and each Time of repassing along the said Road, whenever a new Hiring thereof shall take place.

Limiting the Number of Tolls to be taken.

XIX. Provided also, and be it further enacted, That no more than Six full Tolls, except as herein provided to the contrary, shall be demanded or taken for or in respect of the same Horse or Horses, Beast or Beasts, or Cattle or Carriages, passing and repassing the same Day through all or every of the Toll Gates or Turnpikes continued or to be erected by virtue of this Act in the whole Length of the said Road from *Boroughbridge* to the City of *Durham*, nor upon the several Parts thereof herein-after specified than as are herein-after mentioned; (that is to say,) between *Boroughbridge* and *Northallerton* no more than Two full Tolls, between *Northallerton* and *Darlington* no more than Two full Tolls, and between *Darlington* and the City of *Durham* no more than Two full Tolls; and such Tolls shall not be demanded or taken more than once in the same Day for or in respect of the same Horses, Cattle, or Beasts passing or repassing through all or any of the Toll Gates or Turnpikes, Side Gate or Side Bars, or Chains, continued and to be erected by virtue of this Act.

No Money to be applied in repairing Streets, &c.

XX. Provided always, and be it further enacted, That no Part of the Monies to be received by virtue of the said former Act hereby repealed, or of this Act, shall be laid out in repairing, lighting, watching, cleansing, amending, or improving any Street, Road, or Highway in the Towns of *Northallerton*, *Darlington*, or in or near to the City of *Durham*, which Streets, Roads, or Highways respectively now have or hereafter shall or may have Houses or other Buildings abutting upon or ranging along both Sides thereof; nor shall it be lawful for the said Trustees to collect any Toll in any such Street, Road, or Highway, any thing herein contained to the contrary notwithstanding.

Weights of Single-horse Carts limited.

XXI. And for regulating the Weights to be allowed to Carts or other such Carriages which shall be drawn upon the said Road by One Horse, Beast, or Cattle only; be it further enacted, That the Weights to be allowed to Carts or other such Carriages drawn by One Horse, Beast, or Cattle shall never exceed the following; (that is to say,) from the First Day of *May* to the Thirty-first Day of *October*, both Days inclusive, One Ton and Ten Hundred Weight for each such Carriage and the Lading thereof; and from the First Day of *November* to the Thirtieth Day of *April*, both Days inclusive, One Ton and Seven Hundred Weight for each such Carriage and the Lading thereof.

One-horse Carts to be weighed.

XXII. And be it further enacted, That all Carts or other such Carriages passing along the said Road drawn by only One Horse, Beast, or Cattle, shall and may be weighed at every Weighing Machine continued or to be erected upon the said Road, and the like additional Tolls demanded and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts or other Carriages drawn by Two or more Horses; and all the Powers, Regu-

lations, and Penalties now in force relating to the weighing of Carts or other Carriages drawn by Two or more Horses shall be applicable to Carts or other such Carriages passing on the said Road drawn by only One Horse, Beast, or Cattle, and to the Drivers and Owners thereof.

Additional Tolls to be paid in respect of Wheels deviating from a flat Surface.

XXIII. Provided always, and be it further enacted, That from and after Two Calendar Months from the passing of this Act all Waggons, Carts, or other such Carriages which shall travel on the said Road, new Lines, Diversions, and Deviations, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches or upwards, which shall deviate more than One Quarter of an Inch from a flat Surface, or shall not have the Nails thereof countersunk so as to form a level Surface, or having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Four and a Half Inches and under Six Inches which shall deviate more than One Sixth of an Inch from a flat Surface, or shall not have the Nails thereof countersunk so as to form a level Surface, shall be deemed liable and subject to the Payment of the same Toll as Carriages with Wheels of the Breadth or Gauge of Three Inches and under Four and a Half Inches.

Restrictions as to borrowing Money.

XXIV. And be it further enacted, That it shall not be lawful for the said Trustees, at any Meeting to be held at *Northallerton* aforesaid, or at any Place in or near to the said Road in the North Riding of the County of *York*, to borrow and take up at Interest any Sum or Sums of Money on the Credit of the Tolls to be collected and received at the several Turnpike Gates, Side Gates, Side Bars, or Chains continued and to be erected by virtue of this Act, other than on the Tolls to be collected and received or to arise on that Part of the said Road situate in the North Riding of the County of *York*, and on Two Third Parts of the Tolls to be collected and received or to arise on that Part of the said Road between *Croft Bridge* and *Darlington*, or to apply any of such Tolls in the amending, widening, altering, diverting, improving, and maintaining that Part of the said Road, and making or maintaining the said new Lines, Diversions, or Deviations of Road in, from, out of, or into the same, that are situate in the County of *Durham*; or for the said Trustees, at any Meeting to be held at *Darlington* aforesaid, or at any Place in or near to the said Road in the County of *Durham*, to borrow and take up at Interest any Sum or Sums of Money on the Credit of such Tolls other than on One Third Part of the Tolls to be collected and received or to arise on that Part of the said Road between *Croft Bridge* and *Darlington*, and on the Tolls to be collected and received or to arise on that Part of the said Road between *Darlington* and the City of *Durham*, or to apply any of such Tolls in amending, widening, altering, diverting, improving, and maintaining that Part of the said Road, and making or maintaining the said new Lines, Diversions, or Deviations of Road in, from, out of, or into the same, that are situate in the North Riding of the County of *York*.

Application of the Money.

XXV. And be it further enacted, That all the Monies and other Effects which shall have been raised and produced by virtue of the said recited Act hereby repealed, and which shall be in the Hands

Hands of the Trustees or any of them, or their Treasurer, or any other Person or Persons on their Behalf, or in any Manner due and owing to the said Trustees, on the Day of the Commencement of this Act, and also all the Monies which shall be produced by or from the Tolls by this Act granted or made payable, and to be collected at and to be received or to arise by virtue of this Act at the several Turnpike Gates, Side Gates, Bars, or Chains continued or that may be erected by virtue of this Act, together with the Monies which shall be borrowed on the Credit thereof, shall be vested in the said Trustees, and be by them 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 all Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relating thereto; secondly, in paying and discharging the Expences from Time to Time to be incurred in repairing, altering, or erecting Toll Gates, Toll Houses, Weighing Machines, Fences, Stones, and Posts, and for Books, Advertisements, Printing, Stationery, Salaries of Officers, and other current and incidental Expences in the Execution of this Act, and also in the Payment of the Interest from Time to Time to accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls heretofore payable on the said Road, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls payable and to be received or to arise by virtue of this Act, and also in the Payment of the Interest from Time to Time to accrue and become due upon or by virtue of such Mortgages or Securities; in the third place, in defraying the Expences of repairing, amending, widening, altering, improving, diverting, and maintaining the said Road, and of making and completing the said Widenings, new Lines, Diversions, and Deviations in, from, out of, and into the said Road by this Act authorized to be made as aforesaid, and otherwise in executing the other Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been already borrowed or secured upon the Tolls payable under the said recited Act hereby repealed, and also the several Principal Sums of Money which may be hereafter borrowed and secured upon the Tolls authorized to be collected and received or to arise by virtue of this Act, and all other Debts and Sums now due or hereafter to become due and owing for or on account of the said Road, or in any Manner due and owing on account of the Trust under and by virtue of this Act.

Public Act.

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

Term of the Act.

XXVII. And be it further enacted, That this Act shall commence and take effect upon the Day the same shall receive the Royal Assent, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

The

# The SCHEDULE to which this Act refers.

## *Widenings in the present Road in the County of York.*

| Parishes. | Description of Property. | Owners or reputed Owners. | Occupiers. |
|---|---|---|---|
| Topcliffe | Grass Paddock and Ground planted with Trees | Mrs. Ruth Hood | William Tetley. |
| Ditto | Garden | Dean and Chapter of York | Thomas Stubbs Walker, Lessee; occupied by William Holmes. |
| Thirsk | House, Garden, and Paddock | The Rev. ——Lascelles | Christopher Gatenby. |
| Ditto | House and Yard | Peter Milburn and William Sadler | Peter Milburn and William Sadler. |
| Ditto | Paddock | Lumley Hodgson | Elizabeth Jervis. |
| Ditto | Garden | Ditto | Benjamin Wright; sub-let to Thomas Jervis. |
| Ditto | Ditto | Ditto | Benjamin Wright. |
| South Otterington | Plantation | George Brotherick | George Brotherick. |
| North Otterington | Grass Paddock | John Ainsley | Robert Woodhouse. |
| Ditto | Ditto | Edward Chapman | John Gains. |
| Ditto | Garden | Ditto | Ditto. |
| Ditto | House and Garden, known by the Name of Burtree Bush | The Bishop of Durham | Ann Lambert. |

## *Diversions, Deviations, or new Lines and Pieces of Road in the County of York.*

| | | | |
|---|---|---|---|
| Northallerton | Grass Field and Gravel Quarry | Lord Bishop of Durham | Miss Mary Ann Pierse, Lessee; John Peacock, Occupier. |
| Ditto | Grass Close or Paddock | Ditto | Mary Ann Pierse, Lessee; Henry Harrison, Occupier. |
| Ditto | Grass Close or Paddock and Garden | Ditto | Mary Ann Pierse, Lessee; William Deighton, Occupier. |
| Ditto | Ground planted with Trees | Edward Squire | James Metcalf. |

## *Diversions, Deviations, or new Lines and Pieces of Road in the County of Durham.*

| | | | |
|---|---|---|---|
| Aycliffe | Garden | Benton Ord | Benton Ord and John Clark. |
| Ditto | Ditto | Ditto | Mrs. Ord. |
| Ditto | Ditto | Mr. Muncaster | John Hutchinson. |
| Ditto | Ditto | Dean and Chapter of Durham | George Best, Lessee; George Hutchinson, Occupier. |

| Parishes. | Description of Property. | Owners or reputed Owners. | Occupier. |
|---|---|---|---|
| Aycliffe - - | Grass Paddock - - | Dean and Chapter of Durham - - - | George Best, Lessee; Daniel Munby, Occupier. |
| Merrington - | Small Scribe of Garden and Tenement Houses - - | Ditto - - | Joseph Robinson, Lessee; Anchor Thompson, George Nesbitt, and William Oliver, Occupiers. |
| Ditto - - | Garden, Stable, and Convenience - - | Ditto - - | Thomas Laverick, Lessee and Occupier. |
| Ditto - - | Close or Paddock - | Ditto - - | Thomas Maw, Lessee and Occupier. |
| Ditto - - | Limestone Quarry - | Ditto - - | Ditto. |
| Ditto - - | House and Garden - | Ditto - - | Christopher Wilkinson, Lessee; Eleanor Thompson, Occupier. |
| Ditto - - | Garden and Dwelling House - - | Ditto - - | Christopher Wilkinson, Lessee; Cuthbert Robinson, Occupier. |
| Saint Oswald - | Garden - - - | William Thomas Salvin | Thomas Smith. |

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